

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TAMMY KITZMILLER; et al.,

Plaintiffs

vs.

DOVER AREA SCHOOL DISTRICT,  
et al.,

Defendants

CIVIL ACTION NO. 04-CV-2688

(JUDGE JONES)

Deposition of

: CAROL BROWN

Taken by

: Defendants

Date

: May 16, 2005, 10:15 a.m.

Before

: Vicki L. Fox, RMR,  
Reporter-Notary

Place

: Two School Lane  
Dover, Pennsylvania

APPEARANCES:

PEPPER HAMILTON LLP

BY: THOMAS B. SCHMIDT, III, ESQUIRE

For - Plaintiffs

THOMAS MORE LAW CENTER

BY: PATRICK T. GILLEN, ESQUIRE

For - Defendants

ALSO PRESENT: Sheila Harkins  
Alan Bonsell

## I N D E X

## WITNESS

CAROL BROWNExamination

By Mr. Gillen

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## EXHIBITS

C. Brown Deposition

Exhibit NumberPage

1. Photocopy of diagram of seating chart.

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2. Resignation Speech of Casey (Carol H.)  
Brown, Monday, October 18, 2004.

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3. Comments re: Pledge issue.

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4. Treaty of Tripoli.

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1 a slate with other candidates?

2 A. No, I did not.

3 Q. Apart from the issue you have mentioned, were there any  
4 other issues that brought you out to run for that  
5 position?

6 A. To give back to the community. I was raised to the  
7 concept of community service. I am an Army brat.

8 Q. How long are the terms on the School Board?

9 A. My first term was two years. I completed the term of  
10 someone who had left the District. Normal terms are  
11 four years.

12 Q. I take it you ran again in 1998?

13 A. Yes, I did.

14 Q. Any particular issues bring you out for that election?

15 A. Fiscal responsibility, continued service to my students  
16 because by then, it was far more than just the special  
17 needs children.

18 Q. Did you run with anyone else?

19 A. No, I did not.

20 Q. 1998, a four-year term, and it put you into 2002?

21 A. Well, it doesn't quite work out that way, but  
22 thereabouts.

23 Q. When did you next have to run for School Board?

24 A. I guess it was -- I guess I am saying it wrong then. It  
25 was 2000 -- or no, it is 2002 I guess. I don't know.

1           Whatever, it ends this year. It would have ended this  
2           year.

3   Q.     Now in that next election, which may well have been  
4           2002, but it is the expired term, what brought you out  
5           for that election?

6   A.     Continued desire to serve the community.

7   Q.     Did you run alone or on a slate?

8   A.     A slate.

9   Q.     Who was on that slate?

10   A.    Mr. Bonsell, Alan, Mrs. Harkins, Mrs. Yingling and  
11           myself.

12   Q.    Any particular issues that you addressed as a group in  
13           connection with that election?

14   A.    Student achievement and fiscal responsibility,  
15           especially as regards the building project at the high  
16           school.

17   Q.    If you would, Mrs. Brown, just state with respect to  
18           fiscal responsibility, what did you see the issues as  
19           there?

20   A.    The main issue was being accountable to the taxpayers of  
21           the School District and being aware of their abilities  
22           or lack of ability to continue to pay higher taxes.

23   Q.    And you mentioned the school project?

24   A.    Yes.

25   Q.    Was there a specific way in which the school project

1 implicated those concerns?

2 A. Very much so. A number of us felt that the majority of  
3 the then current School Board were not being fiscally  
4 responsible, had not done enough to try and get funds  
5 back from the state.

6 Q. When you say a number of us, are you referring to your  
7 fellow candidates on that slate?

8 A. Not just those candidates.

9 Q. Who else?

10 A. Friends.

11 Q. Did your running mates share your views with respect to  
12 fiscal responsibility?

13 A. I believe so.

14 Q. How about student achievement, what was your concern  
15 there for specifically?

16 A. To continue to improve student achievement.

17 Q. Were there any particular gauges or standards that you  
18 were using to think that student achievement wasn't  
19 where it should be or could be?

20 A. One has only to look back at the records of the School  
21 District in terms of student achievement primarily on  
22 the SAT's.

23 Q. I take it you mean to see that there was a need for  
24 improvement?

25 A. Very much so. Also in the rankings of students in terms

1 of merit scholarships, and where our students were  
2 accepted and chose to attend colleges or post secondary  
3 education.

4 Q. Again, so far as you could tell, do you think that your  
5 running mates shared your convictions on that point?

6 A. Yes.

7 Q. Were there any other issues that you saw motivating  
8 yourself when you ran in November of 2002?

9 A. Yes.

10 Q. Just give me an idea what they are.

11 A. Vocational-technical education.

12 Q. What was your goal there?

13 A. I had the privilege of serving as the Dover  
14 representative to the York County School Of Technology  
15 for an extensive period of time. And my concern there  
16 was to see that the funds were available, the  
17 opportunities were available for students who were going  
18 into those areas.

19 Q. Any other issues that motivated you?

20 A. I would say those were the primary ones. There were  
21 other issues in terms of my personal fight to bring in  
22 all day kindergarten or what is termed today extended  
23 day kindergarten, and also to find some grant money  
24 whereby we might pilot programs for world languages on  
25 the elementary levels beginning at the latest in the

1 second grade, preferably in the first grade.

2 Q. Anything else?

3 A. I have to review in my own mind. I am not sure at that  
4 point if we had already piloted our character education,  
5 multi-cultural education programs, but they were  
6 certainly in the forefront of my mind. Those were for  
7 efforts which I had the privilege of being part of from  
8 my earliest days on the Board.

9 Q. Just give me a sense for those issues that are  
10 motivating you to participate in this public service.  
11 You mentioned character education.

12 What were you getting at there, Mrs. Brown?

13 A. There is no question that society has changed through  
14 the years, and we are seeing social issues, social  
15 problems, if you will, that we did not see twenty,  
16 thirty years ago.

17 And we realize -- and I am saying we in the sense  
18 of there were a number of us involved both on the Board  
19 and from the community who realized that we had to try  
20 and establish some sort of code of behavior that our  
21 students could adhere to or would adhere to within the  
22 school frame.

23 Q. Did you have anything specific in mind when you came to  
24 the Board in November, 2002 along those lines other than  
25 the need? It is plain that you saw a need.

1 A. We were already working on it.

2 Q. And by it, do you mean some sort of curriculum program  
3 that would give kids --

4 A. The first efforts along those lines began in 1997 under  
5 our former Assistant Superintendent the late Dr. Robert  
6 Hallman.

7 Q. He was already working on a program?

8 A. He presented it to the Board within my first year on the  
9 Board, the idea.

10 Q. And back at that time, did the Board approve this notion  
11 of --

12 A. We formed a Task Force to study the issues. It was then  
13 simply character education. The multi-cultural aspects  
14 came later.

15 Q. You have mentioned a number of issues here for the  
16 November, 2002 election or things that were bringing you  
17 back out to continue your service on the Board.

18 Did you discuss these other issues, character  
19 education, multi-cultural education with your running  
20 mates?

21 A. Yes.

22 Q. What was your sense of their response to your concerns;  
23 did they share them?

24 A. It was not necessarily a formal platform. Mrs. Harkins  
25 was serving on the committee with me at that time.



1 Q. The character education committee?

2 A. The educational committee and the multi-cultural  
3 committees. They were still two separate committees.  
4 They were integrated within a year after that.

5 Q. And was it your sense that Sheila Harkins shared your  
6 view that it would be desirable to continue this  
7 program?

8 A. Yes.

9 Q. Can you recall anything she said specifically --

10 A. No.

11 Q. -- relating to character education?

12 A. No.

13 Q. How about your other running mates, Mr. Bonsell?

14 A. Mr. Bonsell and Mrs. Yingling shared my concern for a  
15 sense of morality, if you will. I am trying to find the  
16 right words.

17 Q. Sure. You indicated that Dr. Hallman had a program he  
18 had already proposed?

19 A. He had proposed it by that time. He was deceased. And  
20 Dr. Nilsen came in as Assistant Superintendent and  
21 picked the program up, if you will.

22 Q. Did you settle on curriculum for that character  
23 education program?

24 A. Yes.

25 Q. Just tell me how was that done.

1 A. The first pilot program was begun at Dover Elementary  
2 School. And if memory serves, it is four years now. We  
3 piloted at Dover Elementary because Dover Elementary  
4 offered a petri dish of the gamut of social strata,  
5 social situations.

6 Q. And how about in terms of a text for that program?

7 A. There was not one single text. Materials were drawn  
8 from many, many sources. Some of the best information  
9 is from Lions Quest through the Lion's Club. And they  
10 were very kind to us in giving us grant money to help us  
11 get that program off the ground.

12 Q. Who did that inquiry about potential source of  
13 information or text curriculum, materials that could be  
14 used in the character education program?

15 A. We all did.

16 Q. And that is the committee members?

17 A. Yes.

18 Q. You mentioned that Dr. Nilsen had some role in that  
19 process?

20 A. Yes, he did,

21 Q. Anyone else from the administration?

22 A. Denise Russell was part of it. There were quite a few  
23 teachers, but I don't recall all of the them, Mr. Steven  
24 Walker who was Principal at Dover Elementary.

25 Q. Just give me a general view of how you approached that.

1 It appears you had a committee that was set up to  
2 address it?

3 A. Yes.

4 Q. Was that a Board committee?

5 A. Yes, it was. It was also a District committee in that  
6 there was involvement with teachers and some community  
7 members. One needs to differentiate between a Board  
8 committee and a District committee.

9 Q. Do that for me. How do you see those as different?

10 A. They are very distinct. A Board committee is comprised  
11 of four or fewer Board members as per Code and usually  
12 at least one administrator.

13 A District community is usually comprised of one  
14 or more administrators, District teachers, and/or  
15 possibly Board members.

16 A community -- there are also advisory committees.  
17 We have three types of committees in this District. The  
18 advisory committees are almost entirely comprised of  
19 community members, usually under the aegis of  
20 administrators, sometimes under Department heads. And  
21 then Task Forces which are separate entities usually  
22 formed for a specific period of time for a specific  
23 task.

24 Q. Okay. So I am just trying to get a sense for the  
25 process as it relates to the character development. You

1 Q. You do have files?

2 A. Yes, I do.

3 Q. What sort of files do you keep, Mrs. Brown?

4 A. I have copies of some of the election material and some  
5 of the election coverage that appeared in local  
6 newspapers. One is after all proud of one's  
7 achievements.

8 Q. And those materials relate to all of your elections?

9 A. Yes.

10 Q. Did you keep materials that the slate put out?

11 A. Yes.

12 Q. We are going to move on. I just want to get a sense for  
13 this November, 2002 election. Any other issues that  
14 come to your mind as ones that figure prominently in  
15 that election?

16 A. Accountability.

17 Q. Do you mean fiscal accountability?

18 A. No.

19 Q. Tell me what you mean.

20 A. Accountability to all of the members of the community.

21 Q. In what sense? Were there specific issues that  
22 implicated this concern for accountability?

23 A. I think being open, responsive to the community needs.  
24 Certainly, that was an issue for me.

25 Q. Why? What did you see as implicating -- did you think

1           there was a lack of accountability? You were on the  
2           Board. Did you see some difficulties in that area?

3   A.     Yes.

4   Q.     Tell me what they were.

5   A.     I believe I already stated lack of responsiveness to  
6           community concerns.

7   Q.     This was in November of 2002 when you were running  
8           again?

9   A.     Prior to that.

10   Q.    What issues gave you this sense of lack of  
11           responsiveness?

12   A.    I can't give you specifics.

13   Q.    Was it lack of responsiveness on the part of the Board?

14   A.    Yes.

15   Q.    Who was on the Board at that time?

16   A.    At that time, it would have been Shirley Harnish,  
17           President; Aralene, better known as Barrie Callahan;  
18           Larry Snook; Lonnie Langione; my husband Jeff Brown;  
19           Noel Wenrich; Sheila Harkins; myself, and Roger Murphy.

20   Q.    Again, I am just trying to get a sense for I know you  
21           have been served on the community on the Board. You  
22           mentioned you are in this November election here around  
23           2002, and you have this issue of accountability.

24           I am just trying to get a sense for why you as a  
25           Board member feel that that is a concern at that time.

1 A. The Board to my way of thinking was unwilling to  
2 entertain opinions that ran contrary to their own  
3 thoughts or their own desires, the majority of the  
4 Board.

5 Q. When you say majority of the Board, do you have a  
6 particular portion of the Board in mind, a voting block,  
7 or a group of people on the Board who you thought were  
8 not as open as you would like?

9 A. Yes.

10 Q. Give me those persons who sort of implicated this  
11 concern for accountability.

12 A. Everyone except Mrs. Harkins, Mr. Wenrich, Mr. Brown and  
13 myself.

14 Q. Were there any specific -- as we go through it -- and I  
15 know sometimes you recall more as you talk about  
16 something, was there any specific issue where you just  
17 saw what you thought was a lack of openness to other  
18 opinions on the part of these other Board members? Was  
19 there something that triggered that concern or brought  
20 it into sharper focus?

21 A. The construction project, the proposed construction  
22 project at the high school.

23 Q. What was it about that, the construction project, and  
24 the proposed contract that gave you this sense that hey,  
25 we need to listen more, or certain people need to listen

1 more to different opinions?

2 A. It was my second construction project since becoming a  
3 member of the Board. I had seen the wastefulness in the  
4 prior project. In fact at that point in time,  
5 Mr. Bonsell's father, Don Bonsell was a member of the  
6 Board. He and I served together for a four-year period.

7 And that project related to renovations at Leib  
8 Elementary School and the construction of the North  
9 Salem School. And Mr. Bonsell and I both saw a lot of  
10 wastage. But being newer members of the Board, we were  
11 most definitely not listened to. We asked a lot of  
12 questions.

13 And going into the proposed high school project,  
14 we saw a lot of wastage. The expression champagne taste  
15 on a beer budget comes to mind.

16 Q. Okay. And you have created a contrast here between sort  
17 of there's two projects, and you see waste in both?

18 A. Yes.

19 Q. I am looking at that from the standpoint of this concern  
20 you had as you ran again for accountability. Do I  
21 understand you or take your meaning that you are saying  
22 there's some Board members have a concern about wastage  
23 and others are not sufficiently open to it; what are you  
24 getting at there?

25 A. I believe there were members of the Board who were not

1 sufficiently concerned about the financial burden on our  
2 taxpayers.

3 Q. Okay. If you had to put your finger on those Board  
4 members you thought weren't sufficiently concerned about  
5 the tax burden that would follow from the building  
6 project, who would that be?

7 A. Five of the nine as previously mentioned.

8 Q. Other than that, this sense of hey, we are about to  
9 enter into a contract which is going to create a very  
10 real burden for taxpayers in the District, were there  
11 any other issues that implicated this concern for  
12 accountability?

13 A. I would say there were differing viewpoints.

14 Q. Differing viewpoints on what?

15 A. On a variety of aspects of education. Some of us were  
16 more focused on say one group of students than another.

17 Q. And this is in the November, 2002 period?

18 A. I would say this would not simply be for that time  
19 period, but an overall picture of the Board. Any Board  
20 member coming to service has some sort of bias or  
21 program or viewpoint. I don't mean bias in terms of  
22 prejudice or as a pejorative term.

23 Q. I agree. Based on their personal background --

24 A. Absolutely, and experiences.

25 Q. Okay. Let's look at that in terms of the November, 2002



1 election. Plainly, when I look at you, I see that  
2 elementary school multi-cultural language programs seems  
3 to arise in part from your background. You have  
4 mentioned the issues that brought you out in November of  
5 2002.

6 How about the other people who were in that  
7 election? If you had to look at your running mates,  
8 were there any particular issues you associated with  
9 them?

10 A. I would simply have to say fiscal accountability,  
11 responsibility.

12 Q. All right. Now if you get on the Board in November of  
13 2002, that is not your first time anymore. You are a  
14 more experienced Board member.

15 What positions did you have for the term beginning  
16 with that election?

17 A. President of the Board, head of policy committee, and I  
18 stepped down as the main representative to the York  
19 County School Of Technology and took the alternate  
20 position.

21 And as President of the Board, you are an ex  
22 officio member of all committees.

23 Q. And you would become President when, in December of  
24 2002?

25 A. Yes, the reorganization meeting in the first week of

1 December.

2 Q. The policy committee is new to me. What is the subject  
3 matter of that committee?

4 A. Job number one of a School Board member is to put  
5 together and to administer policy as relates to being in  
6 compliance and remaining in compliance with all state  
7 and federal mandates, both funded and unfunded, as all  
8 relevant state, in our case, I must correct Commonwealth  
9 laws and federal laws and guidelines.

10 Q. So is that what the policy committee does; it strives to  
11 ensure compliance?

12 A. Yes.

13 Q. Does it formulate policy?

14 A. Yes.

15 Q. Does it formulate policy across the Board, or does it  
16 focus on these issues you have raised?

17 A. Across the Board. I served as chair of policy from the  
18 time I first joined the School Board or became a member  
19 of the School Board until the time I resigned.

20 Q. Now in terms of selection as President of the Board, how  
21 does that happen, Mrs. Brown?

22 A. You are elected by the Board during the reorganization  
23 meeting which must be held during the first week of  
24 December of every year as per Pennsylvania Public School  
25 Code of 1949, and amended in 1993, and again in 2002.

1 Q. Do you recall who voted for you?

2 A. I do.

3 Q. I mean I guess your running mates. Anyone else? Was it  
4 a contentious election?

5 A. Most definitely.

6 Q. Who was your -- what shall I say -- who did you vie with  
7 for that position?

8 A. I didn't, but three of the Board members walked out.

9 Q. Which three?

10 A. Lonnie Langione, Larry Snook and Barrie Callahan. And I  
11 should correct myself I misspoke. They refused to come  
12 into the meeting until after the election for President  
13 had occurred.

14 Q. Did they say why?

15 A. They were opposed to everything that the new majority of  
16 the Board stood for, and it was contentious.

17 Q. And do you think that it was among other things the  
18 building project issue that created animosity?

19 A. I would say that would be the first one.

20 Q. What other ones would create that sort of environment  
21 where they wouldn't show up for the reorganization  
22 meeting?

23 A. They were filing a protest against the election and our  
24 approach to things. Two of the three subsequently  
25 resigned in January if memory serves.

1 don't show up at all?

2 A. They showed up after the election for President.

3 Q. That brings into the 2002 period. I want to get a sense  
4 for it. You were on the Board policy committee, and you  
5 are the President of the Board?

6 A. Yes, I am.

7 Q. How about your other slate members at that time, what  
8 committees were they on?

9 A. I will be perfectly honest, Mrs. Harkins became  
10 Treasurer of the Board. Mr. Bonsell I believe became  
11 head of curriculum. I don't remember all of the  
12 committee assignments. I am ashamed that I don't since  
13 the Board President does make those assignments.

14 Mr. Wenrich was head of buildings and grounds.  
15 Mr. Brown was head of transportation. And Mr. Bonsell  
16 would have to correct me on this, but I believe he was  
17 also head of strategic planning.

18 There were a variety of committee assignments.  
19 Most people serve on more than one committee.

20 Q. And you appointed for those positions?

21 A. Yes, I did.

22 Q. How about Bill Buckingham, did he run in November?

23 A. Mr. Buckingham and Mrs. Cleaver were appointed in  
24 January and February of 2003 upon the resignations of  
25 Mr. Langione and Mr. Snook.

1 Q. All right. And do you recall whether you gave them any  
2 committee assignments, or did they just fill in for the  
3 spots vacated by --

4 A. They probably would have.

5 Q. Want to take a break?

6 A. As you will.

7 (A recess was taken.)

8 AFTER RECESS

9 BY MR. GILLEN:

10 Q. We are back on the record, and we are into the 2003  
11 period now. I want to get a sense for your activities  
12 on the Board and the way they relate more directly to  
13 some of the issues in this litigation.

14 You mentioned earlier the Pledge. I just want to  
15 get your sense for how that became an issue at the Board  
16 and sort of how the Board reacted to it and so on.

17 Tell me what you recall about that, Mrs. Brown.

18 A. In October of 2003, as memory serves, a member of the  
19 audience, a former Board member Larry Snook brought up  
20 the current news items relating to an individual in  
21 California who was attempting to bring suit against the  
22 School District -- and I don't recall the name of the  
23 exact School District -- on behalf of his daughter.

24 My understanding is he was a practicing atheist,  
25 if one practices that, objecting to the use of the term

1 one nation under God specifically.

2 And Mr. Snook brought it up stating that he  
3 thought that we should take a stand as a Board favoring  
4 the Pledge of Allegiance as it is currently constituted.  
5 And I say that in the present tense because as it was  
6 constituted at that point in time continuing to the  
7 present time.

8 Q. Let me ask you when Mr. Snook, the former Board  
9 member --

10 A. Yes.

11 Q. -- he resigned earlier this year. When he made that  
12 appeal at the Board meeting, did you have any sense for  
13 his motives or what might move him to do that?

14 A. I don't mean to ascribe motives to him. This was only  
15 my personal feeling. As Mr. Snook often had in the  
16 past, he -- I believe he brought things up to stir the  
17 waters if you will.

18 Q. And that is why I asked. It lends itself to that  
19 interpretation. Tell me, did he manage to stir the  
20 waters?

21 A. Not at that point in time.

22 Q. Why do you say that, Mrs. Brown?

23 A. Because no one on the Board responded to his public  
24 comment at that meeting.

25 Q. This is the October --

1 A. I will be honest and say I believe it was the second  
2 meeting in October, but it could well have been the  
3 first meeting in November.

4 Q. Anyone else second his motion?

5 A. He did not make a motion.

6 Q. I know.

7 A. He was simply making a comment during the open comment  
8 portion of the meeting at the beginning.

9 Q. Was Lonnie Langione present?

10 A. I do not honestly remember.

11 Q. That's fine. How about Barrie Callahan, do you recall  
12 her making any comments at that meeting about the  
13 Pledge?

14 A. No, she did not that I recall. As I have stated, I  
15 don't believe that anyone on the Board did respond to  
16 the comment. We simply moved on from there and thanked  
17 him for his comment.

18 Q. Did the Board take up the matter later in 2003?

19 A. Yes.

20 Q. Tell me what you can recall about that.

21 A. Mr. Wenrich was then President of the Board.

22 MR. SCHMIDT: May I interrupt? Is the meeting  
23 after the next reorganization meeting?

24 A. Mr. Wenrich was the Vice-President when I was President.  
25 He just the next year became President of the Board. He

1 A. Mrs. Harkins and my husband. I stand corrected. They  
2 both abstained from voting.

3 Q. That's two. How about yourself?

4 A. It is one of the two votes I cast during my tenure on  
5 the Board of which I am ashamed because I caved to  
6 pressure and voted to support the resolution.

7 Q. Do you remember the third person who voted against? You  
8 mentioned Sheila abstained?

9 A. I didn't say voted against. Who were against it.

10 Q. So there was Sheila Harkins abstained. I believe your  
11 husband abstained?

12 A. Abstained.

13 Q. And do you recall?

14 A. That was it.

15 Q. That's it. Only two abstained. Tell me then,  
16 Mrs. Brown, you voted for the resolution, but looking  
17 back, you regret it. What led you to do that?

18 A. To regret it?

19 Q. To vote for the resolution.

20 A. Because instead of voting my principles, I caved in to  
21 social pressure.

22 Q. I think I understand. The social pressure, do you mean  
23 just sort of the community sense, or was there something  
24 more direct and specific?

25 A. My fellow Board members.



1 Q. Tell me, if you would, what sort of pressure you felt in  
2 connection with this vote on the resolution as it  
3 related to the Pledge.

4 A. Desiring to keep the approval of fellow Board members.

5 Q. Which members would that be?

6 A. The other members who voted for the resolution.

7 Q. And you reference that you felt the position was  
8 contrary to your principles. Tell me, if you would,  
9 what exactly you mean by that.

10 A. I believe very strongly in the separation of church and  
11 state, and I believed personally then that we were  
12 conceivably opening a can of worms.

13 Q. And what did you have in mind as this can of worms or  
14 the problems that might follow?

15 A. I believe very strongly in the separation of church and  
16 state.

17 Q. Do I take your meaning to be that you thought this  
18 resolution might run afoul of that belief?

19 A. Yes.

20 Q. How did you see them in tension or at odds?

21 A. I was concerned that we were going beyond the purview of  
22 our responsibilities and obligations.

23 Q. And what obligation are you getting at there?

24 A. Our obligation to represent all of the viewpoints and  
25 all of the beliefs of the members of our community.

1 Q. And did you see the Pledge as it was recited at that  
2 time as somehow inconsistent with that goal of taking  
3 into account all of the views of all of the members of  
4 the community?

5 MR. SCHMIDT: Object to the form.

6 BY MR. GILLEN:

7 Q. You can answer. He is just objecting because the  
8 question is unclear, and it is admittedly.

9 Mrs. Brown --

10 A. I object because I don't understand. I don't know what  
11 you want.

12 Q. I just want to get a sense for what your concern was  
13 there. We have got the Pledge. It has got under God in  
14 it as you have mentioned. There is a resolution in  
15 favor of the Pledge as currently recited.

16 You see that there was a tension there between  
17 that resolution and your responsibility if I understand  
18 you correctly to take into account the views of --  
19 different members of the community.

20 I am just trying to get you to be as specific as  
21 possible about how you see that conflict.

22 A. As a member of a School Board, as I have stated before,  
23 job one is to assure that our School District remains in  
24 compliance and is in compliance with all state and  
25 federal statutes, Commonwealth statutes. We are not

1 BY MR. GILLEN:

2 Q. Is that accurate, Mrs. Brown?

3 A. I'm not sure I am understanding what you're saying. But  
4 as relates to the law, no.

5 Q. Okay. I don't mean to belabor it. I am trying to get a  
6 sense. You say it is a vote that you regret?

7 A. Yes, it is.

8 Q. And you say if I understand you correctly that you see  
9 some conflict between the Board voting to pass this  
10 resolution on the Pledge and their duties as School  
11 Board members?

12 A. That's correct.

13 Q. And when you speak of the duties of the School Board  
14 members, you mention that it is the duty to see that the  
15 District is in compliance with the law?

16 A. That's correct.

17 Q. It seems that you see a way in which these two didn't  
18 match, but were in conflict?

19 A. Yes, I did.

20 Q. That's fine. How about the other Board members? Do you  
21 recall any statements that the other Board members made  
22 on that resolution?

23 A. Your question is unclear.

24 Q. I take it the resolution was the subject of  
25 deliberations by the School Board?

1 or disparaging remarks from the public directed at Board  
2 members, who else was the subject of that kind of  
3 invective?

4 A. Mrs. Harkins, Mr. Brown.

5 Q. Can you recall the thrust of the comment that was  
6 directed at Mrs. Harkins?

7 A. Similar to what was directed towards me.

8 Q. And Mr. Brown, same thing?

9 A. Yes.

10 Q. All right. Let's look at the Board members. I take it  
11 that you have a recollection of an offensive comment  
12 that was directed at you by a Board member; is that  
13 accurate?

14 A. Not me specifically.

15 Q. Tell me what it is you are referencing here, a painful  
16 comment.

17 A. I am referencing comments made by my former fellow Board  
18 member Mr. Buckingham.

19 Q. What did Mr. Buckingham say that gave offense?

20 A. I cannot quote you exactly. Please understand that this  
21 is verbatim and per my own memory. He made comments to  
22 the effect that anyone who opposed such a resolution was  
23 un American and should return to his or her country of  
24 origin.

25 Q. Do you recall anything else Mr. Buckingham said during

1           this meeting?

2   A.     No, I do not.

3   Q.     Would you say that the comment you have just attributed  
4           to him was consistent with some of the sentiments  
5           expressed by the public?

6   A.     Absolutely. But they were not sitting Board members.  
7           He was.

8   Q.     Okay. I think you have indicated that Mr. Buckingham  
9           just sort of made a general comment; it wasn't directed  
10          at a specific person?

11   A.     Yes, it was.

12   Q.     It was directed at a specific person?

13   A.     Yes.

14   Q.     Who did you think it was directed at?

15   A.     At the time he made it, I think it was specifically  
16          directed at one member of the audience. But he also  
17          made it in reference to anyone who opposed him on the  
18          Board. He made that very clear. I cannot quote you  
19          word for word.

20   Q.     Okay. Nor would I ask you to. I realize you are just  
21          trying to remember. What gave you that sense; was it  
22          his words?

23   A.     His words, the tone of his voice, his eye contact. I  
24          still had full vision at that time. I am aware of who  
25          he was looking at.

1 very clear on that.

2 Q. You are confident he didn't make a statement to that  
3 effect at this meeting?

4 A. I recall the meeting at which he made the statement, and  
5 it was directed toward my husband.

6 Q. How about any discussion about separation of church and  
7 state at the Board meeting, did any Board member speak  
8 to that point?

9 A. I did.

10 Q. Just what did you say generally?

11 A. You have the copy of my speech.

12 Q. Okay. You produced that this morning in response --

13 A. I did indeed.

14 Q. We are now in the fall of 2003. And this is what, the  
15 November 10th meeting?

16 A. It was the November 10th, 2003 meeting.

17 Q. Did the Board vote on the resolution at that meeting?

18 A. Yes, we did.

19 Q. I think you indicated there was passage?

20 A. Yes, there was.

21 Q. How about if we look at 2003, and we are trying to get a  
22 sense for other issues that implicated your concern for  
23 religion, the separation of church and state, were there  
24 any other issues that came up in 2003 that you saw as  
25 implicating your concern for the separation of church

1 and state?

2 A. Not in public Board meetings.

3 Q. How about apart from public Board meetings?

4 A. Early in the year, I had had a couple of discussions.

5 Q. Early in 2003, a couple of discussions. How did they  
6 implicate your concern for the separation of church and  
7 state?

8 A. There was no direct correlation. It was a privately  
9 held opinion.

10 Q. That is what I am trying to get a sense for here. It is  
11 no big deal. What did you see from your standpoint that  
12 gave you some concern?

13 A. When a new Board member is sworn in, he or she is  
14 assigned a mentor. That would be someone who is an  
15 experienced Board member.

16 When Mr. Buckingham and Mrs. Cleaver were  
17 appointed to the Board, they were assigned mentors. If  
18 memory serves, Mr. Bonsell was assigned to be  
19 Mr. Buckingham's mentor, and I was assigned to be  
20 Mrs. Cleaver's mentor.

21 And in that capacity, I had a number of meetings  
22 with her relating to Board member's duties and  
23 responsibilities, the kinds of things that happen,  
24 relating to being an adoptee, which is also something  
25 that is kind of a peculiarity of our District.

1 Each year, Board members are assigned to be part  
2 of a specific school within the District. Some of the  
3 schools have one member. Some have two because we have  
4 an overlap.

5 Mrs. Cleaver was assigned to Dover Elementary. It  
6 so happened I believe one of her granddaughters was a  
7 student there. And as an adoptee of a school, you  
8 receive notices of all meetings, special things going  
9 on, plays, events, etcetera. And Mrs. Cleaver and I had  
10 a number of discussions about that.

11 And at one point, she invited me to her home, and  
12 the discussion went well beyond School Board business.

13 Q. Well, tell me about that. Obviously, it gave you some  
14 concern. Mrs. Cleaver invited you to her home. What  
15 was discussed, or what came to light that gave you  
16 concern?

17 A. I'm afraid that I was responsible for opening the  
18 subject because I commented on the beautiful wooden  
19 carving of the Last Supper she had in her home. So in  
20 that sense, I opened the subject.

21 She spoke of her trip to the Holy Land with her  
22 late husband and that segued into a discussion of  
23 Christianity and beliefs. And I had a fairly strong  
24 sense of her personal belief system at the end of that.  
25 And she questioned me about my own. And it gave me



1 pause.

2 Q. Okay. That is what I am trying to get a sense for.  
3 What gave you pause?

4 A. Because as I stated, I believe very strongly that when  
5 you are a member of the Board -- and this is based not  
6 just on my own experience, my own belief, but my own  
7 studies, going to workshops, seminars and the like to  
8 educate myself on the responsibilities and duties of  
9 Board service -- that one must keep one's personal  
10 beliefs to one side in order to successfully fulfill the  
11 duties of one's office and in representing the whole of  
12 the District community.

13 And I was concerned based on what I heard that  
14 night as to whether Mrs. Cleaver would be able to do  
15 that. And we talked about things. And I tried to  
16 establish with her the importance of putting one's  
17 feelings aside, however difficult it is. And it is very  
18 difficult. I don't mean to minimize that.

19 Q. Let me see if I can get a better sense for what did  
20 Mrs. Cleaver say that engendered this concern on your  
21 part?

22 A. Mrs. Cleaver has very strong evangelical beliefs. My  
23 own beliefs are equally strong. But as I have stated,  
24 there is a separation of church and state. And beyond  
25 that, we are not elected by region in this School

1 District. We are not a large enough School District.

2 Some School Districts are elected by -- some  
3 boards of some School Districts are elected by region.  
4 For example, Northern York because of the large  
5 geographical boundaries, there are a number of regions.  
6 And one Board member or two Board members, depending on  
7 the size of the region, are elected to represent the  
8 people of that region.

9 In the Dover School District because we are much  
10 smaller, we are elected at large. So we are elected to  
11 represent the whole. That is not one group of people.  
12 That is all.

13 Q. Let me see if -- you have this discussion with  
14 Mrs. Cleaver, and as you say it was kind of just an  
15 exchange between the two of you?

16 A. Beyond the School Board business, yes.

17 Q. I am trying to get a sense for what Mrs. Cleaver might  
18 have said that gave you this concern that you have  
19 articulated?

20 A. Because she was new to Board service and had not had the  
21 opportunity to participate in the School Board Academy  
22 programs, which are presented by the Pennsylvania School  
23 Board Association, I am giving her information -- I was  
24 giving her information more informally and was  
25 admittedly from my own viewpoint expressing job

1           responsibilities and so forth.

2           And my concern remained -- was and remained that  
3           she didn't quite follow me when I explained to her the  
4           importance of representing all viewpoints. You cannot  
5           simply interject -- what I tried to get across to her  
6           was that you cannot simply interject just your own  
7           opinions however strongly held your beliefs are.

8       Q.   And was there anything specific she said that engendered  
9           this concern that she might?

10      A.   Not one specific snippet of conversation. Just the  
11           tone.

12      Q.   By the tone, Mrs. Brown, what do you mean, the strength  
13           of her conviction when she discussed her religious  
14           beliefs?

15      A.   My feeling. Simply my feeling was that it would be very  
16           difficult. It was going to be difficult for her to  
17           separate those. I am not saying that you abrogate or,  
18           you know, go against your belief systems, but you have  
19           to temper what you believe with an understanding of  
20           representing all of the people.

21      Q.   Okay. And --

22      A.   Being sensitive.

23      Q.   I think I do understand now what you are getting at.  
24           You came away thinking as a new Board member, she -- it  
25           seems; tell me if I am wrong -- that she might need to

1 have her sort of consciousness heightened about this  
2 public duty and this dimension of it as you see it?

3 A. Yes. And I felt over time, she would see more and more  
4 how we operated. As I said, she was a brand new Board  
5 member. She had not had the opportunity to take the  
6 formal seminars or classes.

7 Q. Did you discuss any specific issues that might come up?  
8 Did you bring anything --

9 A. No, I did not.

10 Q. Did she bring any issues to your attention?

11 A. In what sense?

12 Q. That implicated this concern you had.

13 A. Not that I recall directly.

14 Q. Now I think it seems that your testimony thus far has  
15 been about one meeting in which she --

16 A. One particular, yes.

17 Q. Were there any other meetings with Mrs. Cleaver --

18 A. No.

19 Q. -- that contributed --

20 A. Not in that way.

21 Q. So let's look again at 2003. And looking for your  
22 recollection of any other issues that came up during  
23 that year that might have implicated your concern for  
24 the separation of church and state or religion in the  
25 schools, was there anything else in 2003?

1 A. Not that comes to mind specifically.

2 Q. I am trying to remember was there any time in which  
3 prayer in the school became an issue? And I mean apart  
4 from the Pledge.

5 A. I understand. To be honest, I don't recall  
6 specifically.

7 Q. How about if we look at the issue that brought us here  
8 in the year 2003? Do you recall anything coming up that  
9 related to the biology text or the biology curriculum in  
10 2003?

11 A. As part of the normal cycle of textbook review, biology  
12 texts were part of that review. But we had a lot of  
13 budgetary constraints and did not at that time approve  
14 new textbooks.

15 Q. Okay. This is in 2003?

16 A. Yes.

17 Q. Just try and give me the sense for the season. Was it  
18 winter, spring of 2003?

19 A. It would have been late spring of 2003 as part of the  
20 budgetary process. I can't be more specific than it  
21 would have probably been April or May because we have to  
22 have our budget approved by the 30th of June of each  
23 year.

24 Q. Right. If my memory serves from other depositions, that  
25 is when the Departments propose -- in the spring they

1 memory serves.

2 Q. I think I am getting better now because I am confusing  
3 the school year and the calendar year.

4 A. Very different for us.

5 Q. Okay. In 2003, fiscal concerns nixed the book. Do you  
6 recall any discussion about the use of the biology text  
7 at that time, whether the teachers were using it?

8 A. There were discussions about that. My understanding --  
9 and I was not directly involved in that -- but based on  
10 what I remember from Board meetings, my understanding  
11 was that -- and perhaps this is colored by my own  
12 thoughts on it -- the biology text that was then in use  
13 had perhaps not been well chosen because what we heard  
14 from the teachers was that it was not a very usable  
15 text, and they almost never used it.

16 Q. Okay. That is why I asked, Mrs. Brown. Was there any  
17 discussion of that when it came to whether we really  
18 need these books in 2003?

19 A. The text then in place had not been used very much. I  
20 believe Mrs. Harkins had said we haven't used these  
21 texts, why are we going to get new ones? And if I am  
22 misquoting her, I apologize. But that was one of the  
23 considerations. We all had that.

24 It was not the subject matter per se. It was why  
25 are we buying new textbooks when we have not used the

1 old ones.

2 Q. Do you recall any comments from the teachers in response  
3 to that query?

4 A. That's where my comment relating to perhaps an ill  
5 chosen text comes from. Mrs. Spahr, as head of the high  
6 school Science Department, spoke to us relating to the  
7 fact that they were not very useful.

8 They did not really -- we had the standards from  
9 the state. And evidently, these textbooks were not  
10 usable -- not very usable in light of the Pennsylvania  
11 standards from the Department of Education.

12 Q. How about do you recall any statements from members of  
13 the public in 2003 relating to the purchase of the  
14 biology texts?

15 A. Mrs. Callahan, that is former Board member Mrs. Barrie  
16 Callahan, wanted us to buy the new textbooks.

17 Q. At this point, she is no longer on the Board; is that  
18 correct?

19 A. I believe so.

20 Q. Do you recall any of the comments she made in support of  
21 her urging the Board to purchase the texts?

22 A. She did it so often. Basically, she just felt that we  
23 needed to spend whatever was necessary regardless.

24 Q. If you look at Mrs. Callahan's -- to the extent she  
25 spoke to the biology text and try to give me the sense

1           you had, if any, for the thrust of her comments, what  
2           were her concerns in 2003?

3   A.    It would be difficult for me to separate because she  
4           made similar comments -- expressed similar concerns  
5           throughout the years that I served with her. Basically,  
6           whatever it costs to make sure that our kids get the  
7           very best.

8           There was not one particular item that stands out  
9           in my mind that she focused on. It would have been  
10          textbooks across the Board.

11          Focusing on one specific subject matter was simply  
12          I believe because they were the textbooks under review  
13          at that point in time. I don't think it would have  
14          mattered, the subject -- what the subject matter  
15          covered.

16   Q.    Let me ask you this: Earlier you mentioned there was  
17           some difference in judgment among Board members about  
18           accountability and particularly the fiscal burdens that  
19           followed from the use of tax dollars to do the business  
20           of Dover Area Schools.

21          If you look at Mrs. Callahan specifically, do you  
22          see her as more of a spender?

23   A.    Yes.

24   Q.    Because I am just trying to understand. It seems now  
25          and the way you are describing her position on the book,



1 it is basically if the kids need the book, or if the  
2 book is up, let's buy one; is that accurate?

3 A. Yes. That is strictly a personal opinion, but yes.

4 Q. Sure. All right. So if I understand you correctly now,  
5 the purchase is put off in the spring of 2003 because of  
6 fiscal concerns?

7 A. Yes.

8 Q. But then it seems you said therefore in the fall of  
9 2003, they are going to start looking at it for the next  
10 year?

11 A. Yes, for the 2004-2005 school year.

12 Q. Now if we look at the fall of 2003, was there any -- it  
13 seems from the process you have described, the teachers  
14 wouldn't be putting the recommendation back in front of  
15 the Board yet; would they?

16 A. No, not at that point.

17 Q. So did it come up at all, do you know, in the fall of  
18 2003, the biology text?

19 A. In what context?

20 Q. That is what you. I am asking you it seems it should be  
21 off the radar, but I just want to see if you recall it.

22 A. I don't recall anything specific. I know that we were  
23 beginning a new review process.

24 Q. Right.

25 A. And part of that review process does involve a number of

1 stakeholders to use the old term again.

2 Q. Let's look at -- again, I just want to keep us focused  
3 on the biology text wrapping up 2003, the stakeholders.  
4 Would they be implicated in the fall, or would they be  
5 waiting for the spring when the process begins again?

6 A. That varies. That would really depend on the time frame  
7 of their deliberations.

8 Q. Okay. It seems you really -- do you remember it coming  
9 up in the fall of 2004, the biology text again?

10 A. Not really.

11 Q. How about any public comment or issues being made at  
12 Board meetings in the fall of 2003 about that decision  
13 of the Board not to buy the book?

14 A. Mrs. Callahan made some comments not supporting the  
15 Board's actions.

16 Q. Was Mrs. Callahan joined by others in criticizing the  
17 Board?

18 A. Yes.

19 Q. Who were they?

20 A. That changed over a number of meetings. If memory  
21 serves, Mr. Snook, Mr. Langione were also among those  
22 who expressed opinions.

23 Q. Okay. Let me ask you, Mrs. Brown, sitting on the Board  
24 at that time and hearing this criticism say from those  
25 individuals, did you think they had another agenda? Did

1           you think their criticism was in part politically  
2           motivated?

3   A.    You are asking me to ascribe motivation?

4   Q.    I understand your sensitivity on that point and respect  
5           it, but I do know that as a Board member, people come up  
6           and voice complaints, and over time, you look at them  
7           and say not this person again, not that same issue and  
8           so on?

9   A.    Actually in point of fact, when any of the three came up  
10          to the podium, I shut my ears.

11   Q.    Fair enough. Let me ask you: Is it because you saw  
12          them as sort of ginning up issues just for political  
13          issues?

14   A.    I do beg your pardon. What was the expression?

15   Q.    Ginning up issues?

16   A.    Could you explain, please?

17   Q.    Sure. Whipping them up or looking for issues.

18   A.    In other words, trying to make the Board look foolish?

19   Q.    Yes.

20   A.    Yes.

21   Q.    All right. So now we get into December of 2003. Let me  
22          ask you: To the extent you can recall, was there a  
23          reorganization meeting in December of 2003?

24   A.    Yes. There's always one.

25   Q.    And tell me how that went to the best of your

1 A. I am trying to be clear in my own mind what year it is  
2 we are in.

3 Q. I appreciate that. I know we are going to be talking  
4 about the biology text and biology curriculum. Before  
5 we do that and I try and see what you recall about that  
6 process, I am wondering was there anything else that  
7 came up during 2004 that implicated the concern you have  
8 expressed for the separation of church and state?

9 A. I view everything that happened in 2004 as so totally  
10 interconnected, I couldn't begin to separate them for  
11 you.

12 Q. All right. Let's take a look at 2004 and start with  
13 December through say March.

14 A. December is 2003. Forgive me.

15 Q. Forgive me. January through March.

16 A. Thank you.

17 Q. Do you recall any discussion of the biology text during  
18 that period?

19 A. Committee selections were made by the President. That  
20 would have been Mr. Bonsell at that time in January if  
21 memory serves. Mr. Buckingham became chair of  
22 curriculum. I was on the curriculum committee at that  
23 point in time.

24 Obviously, the texts were being brought out for  
25 review. Mr. Buckingham however was not present for all

1 of that time period because of a personal situation.

2 Q. And what was the period of his absence there in 2004?

3 A. I don't actually recall.

4 Q. But you recall him being absent at least some of the  
5 time during this winter-spring of 2004?

6 A. Yes, he was. I am sure the minutes of the meetings  
7 would give you the dates exactly.

8 Q. Minutes of which meetings?

9 A. Of the Board meetings of that time period.

10 Q. Okay. I'm sorry. How about for your part looking at  
11 that winter-spring 2004 period, January through March?

12 A. I am not aware I missed any meetings.

13 Q. Do you recall when the biology text was offered again?

14 A. April. Do you mean in the meetings themselves?

15 Q. The Board meetings. I am trying to get a sense for how  
16 the process worked from your standpoint. Are all your  
17 activities as a member of the curriculum committee at  
18 School Board meetings, or do you meet apart from the  
19 School Board meetings?

20 A. We meet apart from them.

21 Q. Do you recall meeting apart from the School Board as the  
22 curriculum committee during the winter-spring period?

23 A. Yes.

24 Q. When?

25 A. April. May I look at my calendar? I can give you the

1 date.

2 Q. Certainly.

3 A. If I can read it. I may stand corrected on this. I am  
4 just looking. I do stand corrected. I will correct for  
5 the record the meeting I was referring to was my own  
6 policy committee meeting. I do apologize. And that was  
7 on the 27th. That would be Tuesday, the 27th of April  
8 of 2004.

9 The discussion with Mr. Buckingham was outside of  
10 the meeting itself. The first very formal combined  
11 curriculum meetings that I have occurred in May. So I  
12 apologize.

13 Q. Thank you for being diligent. I am not trying to put  
14 you on the spot. I appreciate it actually.

15 A. It is nice to be precise. I try.

16 Q. So you got April 27th you have indicated there was a  
17 policy committee meeting?

18 A. Yes. And Mr. Buckingham was a member of that committee,  
19 as was Mrs. Harkins, and myself as chair and  
20 Mrs. Geesey. And, of course, Mr. Bonsell as President  
21 was ex officio member.

22 Q. Now if I understand you correctly, Mrs. Brown, there was  
23 some discussion of the biology text outside of this  
24 April meeting?

25 A. Mr. Buckingham and I had a discussion. He had occasion

1 -- I not drive that day.. He was kind enough to offer me  
2 a ride home. And during that ride, we discussed the  
3 role of faith in the schools.

4 Q. Do you recall what Mr. Buckingham said to you on that  
5 topic?

6 A. He felt that it was important to bring God back into the  
7 classroom.

8 Q. And when you had this conversation, did you have a sense  
9 for what he meant by that?

10 A. I am not sure how much clearer one can be, other than to  
11 say we want to bring God and faith back into the  
12 classroom. What exactly do you want?

13 Q. That is what I am trying to get. Did he make any  
14 specific recommendations for a course of action? Did he  
15 say the kids should pray again in school?

16 A. Yes, he did.

17 Q. Anything else did he mention?

18 A. He felt that we should bring prayer and Bible reading  
19 back into the schools. It so happens Mr. Buckingham and  
20 I are the same age. So we both remember that time  
21 period.

22 And there was a discussion relating to the  
23 breakdown of society and morality. And Mr. Buckingham  
24 attributed that to the removal of prayer, the Bible,  
25 etcetera from our school systems.

1 Q. And I take it you had a discussion with him, and I am  
2 sure that he did not hear just plain yesses from you.  
3 How did you respond to Mr. Buckingham?

4 A. I said very little. I responded when necessary because  
5 I was frightened.

6 Q. Just so that I understand you correctly, when you say  
7 frightened, did you mean you felt uncomfortable with the  
8 sort of --

9 A. I was physically frightened of what he was saying.

10 Q. Okay. What do you mean by that, Mrs. Brown? Did you  
11 feel threatened?

12 A. No. I wasn't in fear of him. I was frightened of what  
13 he was saying and what I saw as a possibility of what  
14 could occur.

15 Q. Okay. Am I understanding you that it was along the  
16 lines of this concern you have expressed with respect to  
17 Mrs. Cleaver?

18 A. Yes. They were members of the same church. And he  
19 asked me the same questions she asked me.

20 Q. What was that?

21 A. Was I born again.

22 Q. And how did that conversation come up? Were you again  
23 discussing religion generally?

24 A. Actually, the conversation was -- I guess you would say  
25 an offshoot of policies. Because we were discussing



1 public participation in meetings and so forth, and you  
2 kind of segue into other things.

3 Q. Do you recall what led you to segue into this specific  
4 area?

5 A. Something -- I can't be -- again, I cannot quote  
6 exactly. This is verbatim. We talked a little bit  
7 about some of our frustrations, our concerns about not  
8 just public participation, but student discipline.  
9 There has been a real change in discipline policies in  
10 this District during my tenure on the Board,  
11 specifically in the last three to four years.

12 We have a zero tolerance for certain things. How  
13 specific did you wish me to be?

14 Q. Well, go on. It seems what you are saying is that this  
15 part of the discussion is what --

16 A. Led into the rest.

17 Q. -- led into the rest. So I would like to get a sense  
18 for the way the conversation went.

19 A. Okay. Our first zero tolerance came out of state law  
20 which was weapons. And the state went a little  
21 overboard, and it reached a point where by state  
22 mandate, we were required to expel elementary students  
23 who brought toenail clippers to school. Fortunately,  
24 that was modified, and we were allowed to use our best  
25 judgment on that. But we had to promulgate policies to

1 cover this. And over time, policies are reviewed by  
2 State Code and custom.

3 It is recommended that you review every policy at  
4 least once every three years. And you are talking many  
5 hundreds of policies.

6 So the zero tolerance -- the first zero tolerance  
7 related to violence and weapons, or look alike weapons  
8 -- and I won't going into that, but if you wish, I will  
9 define them for you.

10 The second zero tolerance came out of our efforts  
11 with the character education, and that is showing  
12 respect for other people, no bullying, no teasing,  
13 treating other people the way you would be treated  
14 yourself. And that relates also to one of the character  
15 education tenets of respect. And another tenet of  
16 responsibility.

17 The last no tolerance is harassment of any kind,  
18 whether it be racial intolerance, or sexual intolerance  
19 because of sexual orientation or inappropriate sexual  
20 behavior or insinuation. And we were reviewing public  
21 participation, public comments, and we were also  
22 reviewing those policies.

23 And naturally because again, you were talking  
24 about policies that do relate to morality for lack of a  
25 better word -- and I apologize if that is not totally

1 accurate -- that gets into the subject of personal  
2 beliefs.

3 Q. Sure. Now I understand exactly how the conversation  
4 flowed. And you have indicated some specific things  
5 that Mr. Buckingham mentioned. We need to get prayer in  
6 the schools, the Bible back in the schools.

7 Was there anything else that you can recall him  
8 mentioning during that conversation?

9 A. I found that sufficient to be frightening.

10 Q. I understand that. That was we are talking here late  
11 April of 2004?

12 A. Yes. I think I said the date; did I not?

13 MR. SCHMIDT: April 27th.

14 A. Thank you.

15 BY MR. GILLEN:

16 Q. I think you also indicated, Mrs. Brown, that then there  
17 was a formal meeting of the curriculum committee in May  
18 of 2004?

19 A. Yes.

20 Q. You were on the curriculum committee at that time?

21 A. Yes.

22 Q. Do you recall anything from that meeting?

23 A. Yes.

24 Q. Tell me if you would what you recall.

25 A. There were two subject areas of textbooks under

1 consideration. One was family and consumer sciences on  
2 the middle and high school levels, and the other was the  
3 science textbooks on the middle and high school levels  
4 specifically.

5 And we had a variety of texts available for  
6 review. And the Department heads gave their  
7 recommendations, and there was some discussion.

8 Q. Now this, as you indicated, is a formal meeting. Let's  
9 look from January, 2004 through this meeting in May,  
10 were there any prior meetings of the curriculum  
11 committee in 2004?

12 A. Not that I am aware of, but I will look. I know that  
13 there was a meeting prior to 2004 in late fall. And we  
14 were also -- my apologies because we were also in the  
15 process of negotiating an Act 93 contract.

16 Q. I am not aware of what an Act 93 contract is.

17 A. My apologies. Act 93 covers most of our administrators,  
18 our technology coordinator, language arts supervisor,  
19 related areas.

20 Q. Employment contracts?

21 A. Yes. It is called Act 93 because of the positions.

22 Q. Good enough.

23 A. That is to the best of my recollection.

24 Q. Just so the record reflects it, Mrs. Brown, is that your  
25 -- you have got a calendar. Is that a calendar for

1 A. No, I don't. And I have no notes. There is no  
2 reference here. So obviously, it didn't make an  
3 impression. How is that?

4 Q. That's fine. Let's look at this May meeting then of the  
5 curriculum committee. You have indicated that texts  
6 were up in two subject matters family and consumer  
7 science?

8 A. Yes.

9 Q. And let's look at that. It seems like a less  
10 problematic text area first.

11 A. Don't bet on it.

12 Q. Tell me what do you recall? What were the issues in  
13 play there?

14 A. Spending a lot of money that I didn't feel was  
15 necessary. I personally.

16 Q. What was your point there, Mrs. Brown? What were you  
17 getting at?

18 A. Family and consumer sciences wanted new textbooks in the  
19 electives of advanced levels of cooking. Also -- and I  
20 am not -- I can't be totally specific, but it was  
21 something related to the family, something with child  
22 development.

23 These were for elective courses, not required  
24 courses. And I did not feel that it was necessary to  
25 make those expenditures.

1 A. The materials involved related to I believe family  
2 development or child development and the cooking. And  
3 my objection was specifically to the cooking text  
4 because I didn't feel they were necessary.

5 Q. Do you recall anyone else on the committee making any  
6 objections to either what was in the text --

7 A. I think it was not the subject matter within the  
8 textbooks. It was within the context of do we need them  
9 and how many students are going to be benefitted by the  
10 purchase of these texts.

11 I believe that Mrs. Harkins and I shared similar  
12 concerns along those lines. It had nothing to do with  
13 what was actually contained in the texts. When you are  
14 talking about 20 to 30 students compared to 1,024, which  
15 was then the student body of the high school, one has to  
16 weigh where one can best spend the money one has.

17 Q. Okay. I do think I have got a better sense for that.  
18 If we look at that text, how about Bill Buckingham, did  
19 he say anything about it?

20 A. Not that I recall.

21 Q. What was the other member?

22 A. He was new to the committee, too.

23 Q. And Heather Geesey was the other member; is that  
24 correct?

25 A. No.

1 Q. I am sorry.

2 A. There were only three of us on curriculum other than  
3 Mr. Bonsell in his role as ex officio member as  
4 President of the Board. I don't recall that he was  
5 there.

6 Q. Now you indicated that the biology text came up?

7 A. Yes. Biology. I believe we also discussed physics and  
8 chemistry because you are talking science curriculum  
9 review.

10 Q. All right. Tell me what you can. Can you recall  
11 anything about those discussions?

12 A. Mrs. Spahr, Mrs. Miller and Mr. Eshbach -- and I have to  
13 be honest, I think Mr. Eshbach was there for that  
14 meeting, but I may be in error -- were there, and they  
15 made the presentation relating to the texts.

16 Q. Okay. What do you recall about their case for the  
17 biology text?

18 A. We reviewed a number of textbooks. And basically they  
19 presented the pros and cons of each one. The texts they  
20 were recommending was *Modern Biology* by Prentice Hall,  
21 if memory serves. And it was the same text that they  
22 had recommended the previous year that we had voted down  
23 because of budgetary constrictions.

24 They related why they approved or disapproved of  
25 each text, the strengths and weaknesses. And Mr. Baksa,

1 as I recall in his role as Assistant Superintendent and  
2 having responsibility for curriculum as Assistant  
3 Superintendent, was there. So basically, they made  
4 their cases for the various texts.

5 Q. Let me just stop here and ask you when you had that  
6 meeting with Bill in the car when he was driving you  
7 home after the April 27th meeting, did Mr. Buckingham  
8 mention anything to you about the curriculum committee  
9 during that conversation?

10 A. Not that I recall.

11 Q. So now would this May, 2004 meeting be the first time in  
12 2004 that the biology text has come up?

13 A. In a formal way, yes, I believe so.

14 Q. And you say in a formal way. Looking back on the period  
15 prior to May of 2004, was there any in any way, formal  
16 or informal, that the biology text came up prior to this  
17 meeting?

18 A. There were no votes that I recall, no formal  
19 recommendations in public Board settings. We are  
20 talking to the best of my recollection here.

21 Q. Sure.

22 A. There had been discussion I believe during budgetary  
23 meetings, things like that. As to specific texts and  
24 contents of the text pro or con, I don't think there had  
25 been much, if any, discussion prior to this point in



1 time.

2 Q. How about -- it occurs to me now listening to you that  
3 everyone knows the biology text is going to be up again  
4 in 2004?

5 A. When you say up again, I'm sorry, I have to say that the  
6 text we were then using is not the same text that was  
7 being recommended.

8 Q. Right.

9 A. Okay. As Board members, every Board member was afforded  
10 the opportunity to review every textbook up for review.  
11 They were available to borrow or to review in situ in  
12 the Assistant Superintendent's office.

13 All you had to do was go in and ask. And you did  
14 not have to be -- nor do you unless it has changed in  
15 recent months -- be a formal member of the curriculum  
16 committee. If you are interested in reviewing any  
17 textbook at any time, any and every Board member is  
18 afforded that opportunity to freely review, not at one  
19 specific point in time.

20 Q. Okay.

21 A. Textbooks currently in use are available for review at  
22 any point in time by any Board member. There is not a  
23 time limit.

24 Q. Okay. And so looking at this period in the spring then,  
25 once the teachers -- first of all, there is a book that

1 A. Please define retreat.

2 Q. I guess what you guys or what is sometimes referred to  
3 as a Board retreat, where you go to one of the  
4 facilities and have dinner and a discussion of Board  
5 business.

6 Do you recall a retreat in the January through  
7 March or April period of 2004?

8 A. No, I don't. Not to say there wasn't one. I just don't  
9 remember. Perhaps you can ask my husband that question  
10 tomorrow.

11 Q. Okay. Well, how about taking a short break?

12 A. As you will.

13 (A luncheon recess was taken.)

14 AFTER RECESS

15 A. I want it very clear that I am not part of the  
16 plaintiffs' suit, nor am I associated in any way with  
17 the defendants' suit. When you asked me about my  
18 contact with lawyers for the plaintiffs and I indicated  
19 we had a meeting with them yesterday, they were kind  
20 enough to come to our home in order to accommodate our  
21 schedules because we were not able to match our  
22 schedules in any other way.

23 I was not aware of the right for people not  
24 directly involved in a deposition to be present. My  
25 past experience with depositions has been -- has given

me the understanding that only the legal professionals and the person being deposed, along with the reporter, were present at such depositions. And that was because of the confidentiality of the issues. So it was off putting for me to come in to this deposition to find other individuals present.

I object on principle to it. Thank you.

BY MR. GILLEN:

Q. All right. Are you ready to pick up?

A. Yes.

Q. The May, 2004 meeting of the curriculum committee?

A. Yes.

Q. We have discussed the family and consumer science texts and some of the issues you saw there. We are getting to sort of the dead center heart of the dispute which is this biology text and the controversy that arose around the text in the biology curriculum.

Tell me, Mrs. Brown, when you were present at this May meeting, who else was there?

A. To the best of my recollection, there were two members from the Family Consumer Sciences Department. I did identify Mrs. Whitehill as being one of them. And I will be honest. I do not now recall the name of the other lady who was a part of that.

To the best of my recollection representing the

1 Science Department were Mrs. Bert, short for Bertha,  
2 Spahr, head of the Science Department for the High  
3 school, Mrs. Jennifer Miller and I believe Mr. Eshbach.  
4 There was a third individual. That is to the best of my  
5 recollection.

6 Representing the curriculum committee were the  
7 three members of that committee Mr. William Buckingham,  
8 who was Chair, Mrs. Sheila Harkins, who was then Board  
9 Vice-President and myself.

10 Representing the administration to the best of my  
11 recollection was Mr. Michael Baksa. The area of  
12 curriculum falls under his purview in his role as  
13 Assistant Superintendent.

14 Q. All right. You indicated that several books were up I  
15 believe. Chemistry?

16 A. Chemistry, physics and biology. There may well have  
17 been an earth and science, but I don't recall that.

18 Q. Okay. Now let's take the biology text out and just look  
19 at the physics and chemistry. Any discussion of those  
20 text recommendations by the teachers?

21 A. I think I was the only one who commented, and I  
22 commented to the effect having reviewed the chemistry  
23 text being recommended, that had I had it in high  
24 school, I would have enjoyed chemistry a great deal  
25 more. It was -- is an extremely well done text in the

1 presentation of material and also in the support,  
2 network available for students to utilize.

3 Q. Was there a particular reason that you had decided to  
4 examine that text?

5 A. I examined all of the texts. As a member of the  
6 curriculum committee, it was my responsibility to be  
7 familiar, to make myself familiar with the various texts  
8 under review. How could I otherwise make a  
9 knowledgeable decision myself?

10 Q. Okay. How about the physics text?

11 A. I reviewed that as well.

12 Q. Let's stick with the chemistry one. Anyone else make  
13 any comments to the chemistry text?

14 A. Not that I recall.

15 Q. How about the physics?

16 A. I am not sure if there were any comments made. I might  
17 have said something to the effect an interesting text,  
18 but I can't be sure. It was not anything controversial,  
19 how is that?

20 Q. Okay. That is a starter for sure. Then there is the  
21 biology text?

22 A. Yes.

23 Q. It seems you have a practice of reviewing all of the  
24 texts?

25 A. I had reviewed it the previous year and reviewed it once

1           again. Although admittedly, I had not read the whole  
2           text.

3   Q.    Okay.

4   A.    I will freely admit that science texts are not my  
5           favorite area, but I have a responsibility if I am a  
6           member of the curriculum committee to at least be  
7           familiar with the material which I am discussing and  
8           voting on.

9   Q.    I see that. When you review them, let's just get a  
10          sense for that. Plainly, you have had some post  
11          secondary instruction in science?

12   A.    Yes, I have.

13   Q.    I think also you have indicated it is sort of a general  
14          review. What are you looking for as a curriculum  
15          committee member when you look at the text?

16   A.    I think the first thing that -- I will rephrase and say  
17          the first thing I do when I am reviewing a text is to  
18          compare it to the standards set forth by the State  
19          Department of Education to see how the broad outline of  
20          the course material falls into those requirements. Does  
21          it meet the requirements that the state set forth for  
22          us? If it doesn't, it is not going to be a very  
23          valuable text for use.

24                 That is the first thing I look at regardless of  
25          the subject area. Obviously, I have some expertise in

1 other areas, less in some. In the areas in which I have  
2 less expertise, I will spend more time because it takes  
3 me a little longer to get it, particularly math. But  
4 having done that, then I will begin to sample chapter by  
5 chapter.

6 I will read it for understandability first, what  
7 kind of language does it use. And there again, you have  
8 to look at the grade levels on which this text is  
9 proposed for use. Beyond the grade levels themselves,  
10 you have to look at the class of students who are going  
11 to be using it.

12 Are these all regular education students? Are we  
13 going to be using it for special needs -- special  
14 education students who are mainstreamed in this  
15 particular subject, or is this an advanced placement or  
16 honors text?

17 So you have to look at it within all of those  
18 contexts. And as you review it, as I said, I am looking  
19 at it for readability. Is this going to put me to sleep  
20 after five minutes? If it puts me to sleep, what is it  
21 going to do for the average high school student?

22 Because I am a little more academically oriented,  
23 if you will, than some students are. And this is the  
24 way I review something.

25 If it really catches my interest, and I will be

1 honest, for the first time in my life, I voluntarily  
2 read the chemistry text -- a chemistry text cover to  
3 cover because I was fascinated by the approach. It is  
4 very, very different from the traditional.

5 And as far as the biology text was concerned, as I  
6 said, I had already reviewed it once and had given it a  
7 cursory secondary review. But after that meeting, then  
8 I did sit down with the text because it wasn't what I  
9 had read cover to cover. And I read it cover to cover  
10 in light again of the state requirements.

11 Q. Okay. And to the extent you can recall it, what was  
12 your sense for the way in which the text dovetailed with  
13 the state standards in biology?

14 A. Beyond the fact that it fit beautifully with our own  
15 curriculum guidelines, it could have been written for  
16 the state standards. It was not, but it married those  
17 standards so beautifully.

18 I was just very, very pleased because the text  
19 offered so much to our students. It offered a jumping  
20 off point in a way that some texts do not to pique their  
21 interest. It would even the most nonscientific  
22 student's interest.

23 I would say that of the chemistry text as well. I  
24 was just tickled with our science texts because I  
25 thought we had found the best available.



1 Q. And just to make sure I understand you, you mentioned  
2 the curriculum guidelines. Are those Dover's curriculum  
3 guidelines?

4 A. Yes.

5 Q. You sort of the flipped through the curriculum  
6 guidelines and then look looked at the text to see how  
7 they matched up; am I understanding you correctly?

8 A. I would have to correct your term flipped through.

9 Q. I know that you --

10 A. I studied them.

11 Q. Then tell me so it was really actually a more precise  
12 matching that you went through?

13 A. Very precise matching in general and specifically. And  
14 just a perfect matching with the state academic  
15 requirements, the standards set forth.

16 Q. Can you recall any of the discussion that was had at the  
17 main meeting about the biology text?

18 A. There was not a great deal of discussion at that  
19 particular meeting, because I can't speak for everyone,  
20 but I know for Mr. Buckingham it was a new situation for  
21 him. He had not reviewed the texts.

22 Q. Now did he say that?

23 A. Yes. Perhaps not those exact words, but that was the  
24 flavor of what he said.

25 Q. How about Sheila Harkins, had she been on the curriculum

1 committee before?

2 A. Yes.

3 Q. It just occurred to me did you take Bill aside, either  
4 of you, and give him some guidance as to this is the way  
5 the process works?

6 A. No. That was the President's job.

7 Q. The President of the Board?

8 A. Yes. And the Superintendent.

9 Q. So did you say there wasn't a lot of discussion of the  
10 book at this meeting?

11 A. Not at that particular meeting beyond the -- the biggest  
12 part of the discussion -- and it was not really a  
13 discussion. It was explanation from the science  
14 teachers, by the science teachers relating to why they  
15 were recommending the texts.

16 Q. Did they --

17 A. And how they fit into our programs, as well as meeting  
18 the state requirements.

19 Q. Can you recall what the teachers said about the text at  
20 this May meeting? Start with Bert Spahr. Did she offer  
21 anything that stuck out in your mind?

22 A. She indicated -- and it was seconded by the other  
23 science teachers there -- that there was a consensus  
24 among the science staff that the text represented the  
25 best available texts on the market.

1 Q. Are we referring to the text by Miller and Levin  
2 Biology?

3 A. All of them, individually and together that they were  
4 recommending.

5 MR. SCHMIDT: All three?

6 BY MR. GILLEN:

7 Q. All three of the individual texts in the three subject  
8 matters?

9 A. Yes.

10 Q. And the biology text, was it the Miller and Levin  
11 textbook?

12 A. Yes, Prentice Hall's, yes.

13 Q. Let me ask you: You seem less certain of Bob Eshbach.  
14 Was Bryan Rehm perhaps at that May, 2004 meeting?

15 A. Bryan Rehm was not an employee of the District at that  
16 point in time I don't believe.

17 Q. I could be misrecollecting also.

18 A. I don't know. I will be honest and say my memory is  
19 stronger on those who made the most vocal comments.

20 Q. Sure. When you came away from this May, 2004 meeting of  
21 the curriculum committee, anything else that pointed to  
22 the controversy that was about to arise; did you come  
23 out of their concerned?

24 A. Not really.

25 Q. Do you recall if there was any discussion in that

1 meeting, did Bill mention anything about Intelligent  
2 Design?

3 A. No.

4 Q. How about *Of Pandas*?

5 A. No.

6 Q. All right. What happened next from your perspective?  
7 What do you recall next if we look at the biology text  
8 issue?

9 A. To the best of my recollection, at the next meeting,  
10 Mr. -- the next Board meeting, my apologies,  
11 Mr. Buckingham indicated that he couldn't bring anything  
12 for a vote because he hadn't had the opportunity to  
13 review the texts. If memory serves, Mrs. Callahan was  
14 somewhat vocal about it.

15 Q. The next Board meeting, would this be the second meeting  
16 in May or the first meeting in June?

17 A. No. This would have been around the first meeting in  
18 June.

19 Q. So it sounds like Mrs. Callahan or somebody brought the  
20 text to the attention of the Board. How did it come up?

21 A. It was part of the agenda if memory serves. And public  
22 comment was still allowed -- permitted during individual  
23 discussions about items on the agenda.

24 Q. So public comment --

25 A. -- was not --

1 A. That was his choice. We members of the committee -- at  
2 least I, as a member of the curriculum committee, was  
3 not aware of his decision prior to his making the  
4 statement at the meeting. I cannot speak for  
5 Mrs. Harkins.

6 Q. I thank you for bringing that up because I hadn't  
7 thought of that. Was there any discussion that you  
8 recall between the main meeting and this first meeting  
9 in June between the Board curriculum committee about the  
10 biology text?

11 A. I was not privy to any conversation that I recall.

12 Q. Thank you. It seems like this first meeting, the agenda  
13 item is reached. Mr. Buckingham makes the statement to  
14 the effect I am not prepared to bring anything up?

15 A. Right.

16 Q. And I take it from your comments, that he is saying take  
17 it up at the next meeting in June, the second meeting?

18 A. Yes, basically.

19 Q. And then you indicated that Barrie Callahan voiced an  
20 objection?

21 A. Right.

22 Q. Do you remember what she said?

23 A. Not specifically, but her objections followed the same  
24 pattern -- tended to.

25 Q. That is the pattern you described earlier?

1 A. Yes.

2 Q. All right. Any other discussion at that time between  
3 Mrs. Callahan and Mr. Buckingham about --

4 A. I don't recall. I believe there were some comments back  
5 and forth. There very often were, but I don't recall  
6 specifics.

7 Q. That's fair enough. How about among the Board members,  
8 did anyone else on the Board speak to the issue of  
9 putting the biology text on the agenda for the second  
10 meeting?

11 A. I don't recall. It is a little difficult for me because  
12 we have May and June being such disastrous months. And  
13 it is not always easy to differentiate.

14 Q. Okay.

15 A. A great deal happened in a very short period of time.  
16 And none of it was good.

17 Q. Now you say May and June were disastrous months?

18 A. Yes.

19 Q. We are speaking about 2004. Give me a sense,  
20 Mrs. Brown, for what you are referencing there.

21 A. Divisions among Board members during that time period  
22 became pronounced. And people, I believe -- I believe  
23 began to blur the lines a great deal between individual  
24 personal beliefs and their responsibilities as School  
25 Directors, not simply as defined by the Public School

1 A. Yes.

2 Q. The first meeting in June, Bill Buckingham has said I am  
3 not prepared to put it on the agenda for the next  
4 meeting, I haven't --

5 A. No. He said he didn't want to bring it up for a vote  
6 based on the fact that he had not reviewed the text.

7 Q. Any other --

8 MR. SCHMIDT: Can I interrupt one second?

9 MR. GILLEN: Sure.

10 A. I may be off a month.

11 MR. SCHMIDT: I just want to be clear so I don't  
12 have to go back on this.

13 Was it all of the science texts or just the  
14 biology text that Bill tabled for --

15 A. It was specifically the biology.

16 MR. SCHMIDT: I wasn't clear about that. Thank  
17 you.

18 BY MR. GILLEN:

19 Q. Any other Board comment at that time on his processing  
20 of the biology text?

21 A. Not publicly.

22 Q. Just let me ask you: Apart from Barrie Callahan, did  
23 anyone from the public section address the biology text  
24 issue during this first meeting in June?

25 A. It is quite possible. I don't recall.

1 Q. I think I asked you, but I want to make sure I got it  
2 right, how about in terms of public comment? Barrie  
3 Callahan voiced her concern?

4 A. Yes. I think Mr. Snook did as well. There again, I  
5 will be honest. Some of the comments tend to blur  
6 together, and I tended to shut my ears to some of the  
7 comments because it was the same thing month after  
8 month.

9 Q. How about let's look at the -- we are going to the  
10 second Board meeting in June of 2004. Was the biology  
11 text brought up again?

12 A. Yes, it was.

13 Q. How did it come up?

14 A. Part of the agenda.

15 Q. So had the text been placed on the agenda despite  
16 Mr. Buckingham's comment at the first Board meeting in  
17 June?

18 A. I don't recall that Mr. Buckingham had requested a  
19 tabling of it, per se. He had simply indicated -- and  
20 my memory may be faulty on this. My recollection is  
21 that he had indicated he didn't wish to bring it up for  
22 a vote because he had not had the opportunity -- and I  
23 object to the words, I freely admit that -- to review  
24 the text.

25 Q. So the second meeting comes up -- occurs. How does the



1 text come up during the public portion of that Board  
2 meeting?

3 A. Mr. Buckingham indicated that he could not recommend the  
4 text because it was in his words -- and I believe this  
5 is a fairly close quote -- laced with Darwinism.

6 Q. Okay. When he used the phrase, did you have an  
7 understanding what he meant?

8 A. Yes, I did.

9 Q. How did you take that, Mrs. Brown?

10 A. By that time, I was very aware of Mr. Buckingham's  
11 personal religious beliefs. He had stated them to me  
12 very clearly. And it was my belief, understanding based  
13 on my experience with things he had said to me prior to  
14 that, and the way he voiced his objections, that he  
15 objected to the text because he viewed it as stating a  
16 certain way of viewing the origins of life.

17 Sorry if it is convoluted, but there it is.

18 Q. Don't worry about it. When you say origins of life,  
19 what are you referring to?

20 A. The origins of life, how did life begin, or where did it  
21 come from on earth, in the universe. And, of course,  
22 this was an area that we didn't cover in ninth grade  
23 biology.

24 Q. Okay. You said that by now, you were familiar with  
25 Mr. Buckingham's personal religious beliefs?

1 A. Yes, I was.

2 Q. And I know you have talked about a conversation you had  
3 one time?

4 A. Yes.

5 Q. Were there other conversations you had had prior to this  
6 second Board meeting in June?

7 A. Yes.

8 Q. Tell me a little bit about those so I can get a better  
9 sense.

10 A. Very informal, maybe talking before meetings begin or  
11 just as a result of coming out of different committee  
12 meetings or whatever. I can't give you specifics  
13 because, you know, one does have a fair number of  
14 meetings during a month if one is a member of a Board  
15 and involved.

16 Q. Sure. Just if we look back at the second --

17 A. And telephone conversations. I apologize.

18 Q. And it seems from what you are saying that religious  
19 subject matter was a part of these conversations?

20 A. At times, yes.

21 Q. How would that come up? You have mentioned one  
22 situation where it sort of came up naturally in  
23 connection with the character issue as you said, the  
24 notion of there's trouble in the schools and kids need a  
25 code of behavior.

1                   Were there other ways that it would come up?

2   A.   Mr. Gillen, my memory is good at some points, but I  
3       couldn't tell you specifics of what I ate last week much  
4       less what happened over a year ago in informal  
5       situations.

6   Q.   All right. Then is there anything that -- again, let's  
7       just try and look from the second Board meeting in June,  
8       everything that occurred before that, were there any  
9       other statements that Bill Buckingham had made to you  
10      that stuck out?

11               One plainly did, and you have told me about that.  
12      Any others?

13   A.   I couldn't say definitely one way or the other. My  
14       apologies. As I said, I am sure my husband's memory  
15       will be different from mine, and he will remember  
16       different things.

17   Q.   Okay. That is fine. It is really not a trick question.  
18       I am trying to understand how you saw the story unfold.

19               We have the second meeting in June here, and Bill  
20       says the biology text is laced with Darwinism. Do you  
21       recall anything else he said?

22   A.   That wasn't sufficient? My apologies. Rhetorical  
23       question. Not specifically because all I could see were  
24       the headlines in the newspapers coming out of the  
25       meeting quite frankly.

1 Q. And let me ask you: I mean did any other Board members  
2 speak to the biology text during that second meeting in  
3 June?

4 A. I'm not sure. I remember specifics. I have to be  
5 honest, my recollections are a bit colored by my own  
6 emotional reaction to things there.

7 Very early in the deposition I said about the can  
8 of worms being opened, and it wasn't a can of worms by  
9 then. It was not a can of worms at that point. It was  
10 how about a ton of cobras?

11 Q. Do you want to take a break?

12 A. No.

13 Q. How about you, Mrs. Brown, you were on the curriculum  
14 committee. Bill makes a statement about the text that  
15 plainly you don't share the sentiments he has expressed.

16 Did you or Sheila say anything at the public  
17 portion of the Board meeting that --

18 A. If you look at the diagram which I provided for you of  
19 the seating arrangement at that point in time, you will  
20 see that Mr. Buckingham was on my right. And I turned  
21 to him -- that is the one in the yellow sheet.

22 MR. GILLEN: Please mark that.

23 (C. Brown Deposition Exhibit 1 was marked.)

24 A. In explanation of that, under secretary, you will notice  
25 I have two names listed because Karen Holtzapple served

1 as substitute Board secretary part of the time, and  
2 Denise Russell, who is our business manager and also  
3 Board secretary, was there part of the time.

4 But she has -- she is very ill and was not always  
5 able to be there.

6 Q. Just take your time. Let the record show that  
7 Mrs. Brown is now looking at a diagram of the Board  
8 meeting that she kindly brought with her to today's  
9 deposition. I have marked a photocopy of that diagram  
10 as Carol Brown Exhibit 1. She is looking at the  
11 original she brought which is in blue and yellow and  
12 easier for her to see.

13 A. The reason I brought this, I thought perhaps it would  
14 help to clarify some of what some of us were able to  
15 hear that perhaps other individuals on the Board were  
16 not able to hear because as you can see, it is a  
17 modified V diagram. That was our seating arrangement.

18 And whereas -- and I put Cunningham I see, and  
19 that should be Buckingham. Good heavens! A senior  
20 moment.

21 Mr. Buckingham was to my right, and Mrs. Geesey  
22 was to my left. And beyond her are where student  
23 representatives to the Board would normally sit.

24 I do apologize. Anyway, my husband was across the  
25 V, and he was seated next to Mrs. Cleaver.

1           So you can see sometimes depending how someone  
2 spoke and depending which way the individual was facing,  
3 comments would be more or less audible. Also I was that  
4 beyond Mrs. Yingling, usually at the front tables the  
5 media were seated almost directly in front of Mrs.  
6 Yingling as a rule.

7           And on the opposite side of the V in front of our  
8 student representatives, you generally had the podium  
9 for public comment. And beyond that on that same side,  
10 most of the time various members of the administration,  
11 building principals, etcetera and teachers would be  
12 seated.

13           And in the middle section of the room tended to be  
14 the community members. And sort of the teachers tended  
15 to be around the back wherever they could find seats.  
16 When we had student/parent presentations, they would  
17 also be in that same general area.

18           So this is why I turned to Mr. Buckingham and  
19 asked him why he did not in that particular case apprise  
20 me of what he was going to do. And I am not sure how  
21 many people heard me because I was turning away from the  
22 audience and from my own microphone.

23 Q.       So you told Mr. Buckingham why didn't you tell me you  
24 were going to make this criticism?

25 A.       I asked him.

1 Q. Did he respond?

2 A. No, he did not.

3 Q. Here we are talking again about the public session of  
4 this meeting. Did any other Board members respond to  
5 Mr. Buckingham's criticism of the text?

6 A. If there were comments, they do not stand out in my mind  
7 at that moment in time.

8 Q. How about public reaction or reaction on the part of  
9 persons in the public?

10 A. I can't recall specifics. I know there was criticism,  
11 but there was often that.

12 Q. Can you recall who made the criticism?

13 A. I would be guessing and attributing without being  
14 absolutely certain.

15 Q. I appreciate that. All right. Now was there an  
16 executive session? I am not sure I got your answer.

17 Did any other Board members speak to the text  
18 issue, the biology text?

19 A. I think there were a couple of comments. I will be  
20 honest. It might have been Mr. Wenrich, and it might  
21 have been across the way. I think one said we have been  
22 putting this off quite a while, but nothing that really  
23 stands out in my mind. I am sorry.

24 Q. How about Sheila, Sheila Harkins?

25 A. I don't recall.

1 from community members as well. My husband more so than  
2 I.

3 Q. We are looking now just at June. Can you recall any  
4 community members approaching you in June to discuss the  
5 biology text?

6 A. No, not me personally.

7 Q. Do you recall anyone telling you about conversations  
8 that they had with community members relating to the  
9 biology texts?

10 A. Not specifics, no.

11 Q. You mentioned some telephone conversations. Are those  
12 conversations you had heard about through Angie  
13 Yingling?

14 A. No.

15 Q. What do you recall?

16 A. I spoke with Dr. Nilsen several times.

17 Q. What did Dr. Nilsen have to say?

18 A. I don't recall specifically. I was expressing my own  
19 concerns at that point.

20 Q. How did you express those at that time, Mrs. Brown?  
21 What did you tell Dr. Nilsen?

22 A. I told you so.

23 Q. That's a loaded observation. What were you getting at  
24 when you told Dr. Nilsen that you had told him so?

25 A. I told him that I thought it was ill advised to follow



1 up on what Larry Snook had proposed back in the fall of  
2 2003 as regards the Pledge of Allegiance.

3 Q. Okay. And I take it --

4 A. Because I felt then we could be opening up a can of  
5 worms.

6 Q. And you see these two as connected. Tell me how  
7 exactly.

8 A. The last time we mixed politics and religion in this  
9 country, people got hurt and people died. My family  
10 came here because of religious persecution, because this  
11 country afforded freedom of religion, freedom from  
12 religion, freedom of choice. I don't have a lockstep on  
13 the truth. No human being does. I can only perceive  
14 with my limited physical senses.

15 I don't believe that I have the right to impose my  
16 beliefs, religious, social or otherwise on other people.  
17 Nor do they have the right to do it to me. I don't  
18 believe there is one path to the truth.

19 What I do believe is the golden rule, do unto  
20 others as you would have them do unto you. And that is  
21 what we have been teaching our children, not by that  
22 name, because of the religious connotation, teaching our  
23 children in our classes. And I was seeing us move away  
24 from that, and it frightened me once again.

25 We are here when we are members of the Board to

1 represent every individual in the community, whether he  
2 or she votes, whether he or she is black, white, green,  
3 purple, whether he or she -- perhaps I should include  
4 it -- is Muslim, Roman Catholic, atheist, agnostic,  
5 deist, or one of the other 2,001 -- and I am guessing --  
6 religions in the world.

7 Q. Okay. And I can see that when Mr. Buckingham indicated  
8 he thought this biology text was laced with Darwinism,  
9 you see him as --

10 A. He was also making religious references to the  
11 crucifixion of the Christ.

12 Q. This is the June meetings?

13 A. As I recall. I am not sure. I think it was in the  
14 second one I believe.

15 Q. And this is what is implicating your concern for he has  
16 crossed the line?

17 A. Yes.

18 Q. Let me ask you now --

19 A. And he was using the term Creationism, sir.

20 Q. That is what I was going to ask you. Looking at these  
21 June meetings, do you recall Bill Buckingham using that  
22 term?

23 A. Yes, I do.

24 Q. Do you recall him teaching Creationism?

25 A. Bringing it back into the school. I cannot recall and

1 quote him directly by saying that I absolutely remember  
2 him using the term teach. I remember him saying bring  
3 it back into the school.

4 My inference of that may be different than someone  
5 else's.

6 Q. Let's look at the June meetings here, and I ask you do  
7 you recall him mentioning Intelligent Design during this  
8 period?

9 A. Never.

10 Q. Do you recall him mentioning the text *Of Pandas*?

11 A. Not at that point in time.

12 Q. Do you recall him discussing the biology text in terms  
13 of balance?

14 A. No. I don't recall him using that word.

15 Q. Do you recall him saying anything else about the biology  
16 text during these June meetings?

17 A. As I mentioned, there were religious statements made.

18 Q. How about were there any references to other scientific  
19 theories?

20 A. No.

21 Q. Do you recall anyone speaking at the public portion of  
22 the meetings in June addressing Creationism, teaching  
23 Creationism?

24 A. Here again, I can't be sure which meeting it occurred  
25 at, but Mrs. Buckingham did make a twenty minute speech.

1 Q. Did you recall anyone else speaking during the Board  
2 meetings?

3 A. Not to that extent. Although if memory serves, and I  
4 will be honest, I am not sure if it was June or August,  
5 Mr. Bonsell's mother spoke at one point. But I will not  
6 say specifically I recall it was at June. It may well  
7 have been August.

8 Q. You say that Mr. Buckingham used the term Creationism?

9 A. Yes, he did before, during and after the meeting.

10 Q. Let me ask you about that. We talked about executive  
11 sessions occurring before the meetings or after?

12 A. This was not part of that.

13 Q. Tell me when did you have the conversations you are  
14 referencing?

15 A. I didn't. I overheard him speaking to the media.

16 Q. Were the discussions you are referencing now comments to  
17 the media after the June Board meetings?

18 A. At least one of them was, yes.

19 Q. Do you recall who Mr. Buckingham was speaking with?

20 A. One of the newspapers definitely, and I am not sure  
21 whether it was *The Record* or *The Dispatch*. I don't know  
22 everyone. And it was at least one television crew  
23 there. I don't watch very much television so I am  
24 sorry.

25 Q. That is fine. Obviously, you are recalling some things

1 A. When I look at this, when I can read it, yes, sometimes  
2 it jogs. But I may be off on the dates here and there.

3 Q. Sure. I am not going to hold you to the dates.

4 A. Thank you.

5 Q. I am just trying to get the story line. Just in terms  
6 before we move on, June, we are talking about June. We  
7 know the text has come up. Bill has made some comments  
8 that have attracted notice and criticism. There has  
9 been tension on the Board.

10 If we look at June -- and I am going to ask you to  
11 look across the Board at the other Board members here at  
12 your chart, do you recall them responding to  
13 Mr. Buckingham's comments during the meetings or  
14 afterward? Do you recall Angie Yingling in June of 2004  
15 how she responded to Bill's comments?

16 A. Good grief. With Angie, it is always hard to tell when  
17 she said what. Angie was concerned, I know that, about  
18 response from the community. She would get frustrated,  
19 but Mrs. Yingling did do that from time to time.

20 Again, I am trying to be honest. I was very  
21 narrowly focused. And nothing specific stands out other  
22 I was concerned for -- my husband was very upset, and so  
23 was I.

24 Physical assault is always a bad thing. But one  
25 has to admit that occasionally, one would like to pop

1           someone else in the nose. And I am sure that I was not  
2           the only one feeling that towards other people.

3 Q.     Are you referencing Mr. Buckingham?

4 A.     Yes.

5 Q.     How about Angie just in June of 2004 in terms of whether  
6           she is with Bill or doesn't agree with him; do you have  
7           any sense of that?

8 A.     I am not sure. I am not sure.

9 Q.     How about Jane Cleaver, did she react to Bill's  
10          comments?

11 A.     Jane was very much in agreement with Mr. Buckingham.

12 Q.     When you say in agreement, on what score? What do you  
13          mean in agreement, at what point?

14 A.     Mrs. Cleaver and Mr. Buckingham -- I know -- I have  
15          personal knowledge; how is that -- of the fact that they  
16          attended the same church and were friends of many years  
17          standing. And based on my personal knowledge and  
18          personal experience, they tended to vote the same way  
19          and express similar opinions.

20 Q.     Now we are talking about the biology text in June. Is  
21          there anything that sticks out now as you think about it  
22          that Jane said?

23 A.     Nothing specific other than she voiced support. I  
24          couldn't give you exact language.

25 Q.     Voiced support for?

1 A. For Mr. Buckingham's viewpoints.

2 Q. On the biology text?

3 A. Yes.

4 Q. How about Mr. Bonsell, do you remember him saying  
5 anything when --

6 A. Mr. Bonsell's reference point I believe was Intelligent  
7 Design. I may be in error. I believe from what I heard  
8 that Mr. Bonsell favored -- favored giving the two  
9 viewpoints of Intelligent Design and as they termed it  
10 Darwinism.

11 Q. Do you recall Mr. Bonsell referencing the text *Of Pandas*  
12 during the June meetings?

13 A. No, I don't.

14 Q. How about Dr. Nilsen? You indicated you had some  
15 conversations with him during this period. How about at  
16 the Board meetings, did he react to Mr. Buckingham's  
17 statement about the biology text that had been  
18 recommended by the teachers?

19 A. The administration also made the recommendation.

20 Q. Right.

21 A. Which meant that approval of the text required five  
22 votes rather than six to pass.

23 Q. I see.

24 A. He had also recommended approval of the recommendations  
25 of the teachers' Department heads. Beyond that, I don't

1           remember him making specific comments. He may well  
2           have.

3   Q.     How about Noel Wenrich?

4   A.     No one comment stands out. I know that Mr. Wenrich  
5           favors the viewpoint of Creationism, but I do not recall  
6           whether or not he spoke in favor or in opposition at  
7           that point in time.

8   Q.     Do you recall Mr. Wenrich discussing Intelligent Design?

9   A.     Not really.

10   Q.    When Mr. Bonsell mentioned Intelligent Design, did  
11           anyone else speak to that theory or point? Did it spark  
12           a conversation?

13   A.     I don't recall. And there was no definition of the  
14           term.

15   Q.     At the Board meeting -- in other words?

16   A.     I have never heard a definition of Intelligent Design or  
17           a specification of whether Intelligent Design referred  
18           to a single concept as in a single theory, in which case  
19           Intelligent Design would have initial capitalization, or  
20           an overall general concept in which case it would have  
21           small letters.

22           I have never heard in Board meetings a definition.

23   Q.     All right.

24   A.     So it would be a little difficult to make a decision how  
25           you believe.



1 MR. SCHMIDT: Can you clear something up? Did  
2 Mr. Bonsell discuss Intelligent Design and refer to it  
3 during the June meeting?

4 A. I believe Mr. Bonsell referred to Intelligent Design,  
5 but I cannot recall him defining what he meant by  
6 Intelligent Design. That is why I explained I don't  
7 have a reference.

8 MR. SCHMIDT: I just wanted to try to keep the  
9 chronology straight.

10 A. My apologies.

11 BY MR. GILLEN:

12 Q. Were you talk about at the time June meetings?

13 A. I believe.

14 Q. I have asked you about Board meetings, and to make sure  
15 I don't miss anything, I know you have a distinction  
16 which you see in the law and custom between the  
17 executive sessions and so on.

18 Is there any other discussion that took place in  
19 the executive sessions relating to the biology text or  
20 Intelligent Design that you haven't told me about so far  
21 in June?

22 A. Not that I recall.

23 Q. Now at this time, you are on the Board curriculum  
24 committee. Let me ask you looking through June, do you  
25 recall any meetings of that committee? And I recognize

1 the difficulty of trying to pinpoint it precisely.

2 Think of it in relation to the May meeting. Do  
3 you recall any meetings in June?

4 A. We had a second meeting. I will be honest, and I was  
5 looking. I believe there was another meeting between  
6 June and July. Whether it was in June or whether it was  
7 in July, I will be honest and for some reason, I don't  
8 have it down. I admit I miss things.

9 There was another meeting at which point we  
10 discussed in depth Mr. Buckingham's objections to the  
11 text. If memory serves, his objections numbered 14 in a  
12 1200 page text. We went through the objections one by  
13 one and discussed them.

14 I do recall his first objection was to the  
15 timeline of science history wherein mention was made of  
16 the time at which -- or during which -- the time period  
17 during which Mr. Darwin's theories of natural selections  
18 were first published, not of the descent of man.

19 And we were talking about evolution with small "e"  
20 which is what we have taught. We, I say we advisedly,  
21 the School District has taught.

22 Primarily, the mentions were related to  
23 information in Chapter 15 or thereabouts of the text  
24 from Prentice Hall.

25 In talking about natural selection, I believe one

1 of Mr. Buckingham's objections dealt with the fact that  
2 comparisons were made between the basic bone structures  
3 and function of different species, how the  
4 development -- well, showing the development of various  
5 species.

6 What comes to mind was similarity of bone  
7 structure in dinosaurs and what became birds does stick  
8 out, similarity in function of leg bone in some animals  
9 and man. But it was not -- we were not evolved from  
10 them, but comparing how the bone structure is developed  
11 and the similarities and differences in function.

12 That section -- and it is the only section in the  
13 text that deals in any way with the issue talks about  
14 species living and dying, natural selection. Why do  
15 some species survive and why does some of them not? Why  
16 do they go extinct?

17 One of the other objections Mr. Buckingham had was  
18 to a picture of a finch which was named for Charles  
19 Darwin. It is called Darwin's finch. It was a  
20 particular family of finch or subspecies of the finch  
21 family that Mr. Darwin discovered I believe when he was  
22 on his voyages on the Beagle. Don't ask, I have no idea  
23 how it is spelled. I don't remember, the ship, the  
24 Beagle.

25 MR. SCHMIDT: Like the dog.

1 A. He objected very strongly because he felt that the  
2 message in the text was portraying an untruth.

3 Q. And did he specify exactly how he saw it as misleading,  
4 the text that is?

5 A. Because he looked at it as saying that -- what the book  
6 was saying was man was descended from a lower form of  
7 being, and that God was responsible for creation, and we  
8 should be teaching our students the truth.

9 Q. Now during this meeting, did Mr. Buckingham -- it is  
10 evident he had learned a great deal about what was in  
11 the text by that time. Did he reference other materials  
12 during this meeting?

13 A. The mural and the text. And I personally would take  
14 exception to your characterization of his learning the  
15 material, because the only mentions that he made in  
16 terms of objecting to the text were listed in the index  
17 of the textbook.

18 Q. Do you recall mention of any DVD's or text during this  
19 meeting?

20 A. In what context?

21 Q. Well, I mean you are having a discussion about the  
22 biology text. Do you recall Mr. Buckingham bringing to  
23 the meeting any materials or referencing DVD's or  
24 videotapes that spoke to Evolutionary Theory?

25 A. No, I don't.

1 Q. Do you recall the teachers discussing any materials that  
2 Mr. Buckingham had provided?

3 A. I don't recall that. Not to say it didn't happen. I  
4 just don't recall it.

5 Q. I understand. How about the text *Of Pandas*, do you  
6 recall that coming up during that meeting?

7 A. No.

8 Q. How about Intelligent Design, the term?

9 A. No. It was still Creationism, sir.

10 Q. All right. Let me ask you about that. When  
11 Mr. Buckingham is discussing Creationism as you recall,  
12 is he saying we should teach it?

13 A. As I said to you before, I cannot with sworn accuracy  
14 state that he used the term teach. I can however with  
15 sworn certainty say to you he wanted it back in the  
16 schools, and he so stated that.

17 Q. And you say he stated that when?

18 A. He stated it both in meeting, public School Board  
19 meeting, and he stated it in private committee meetings.  
20 Private is the wrong word, nonpublic.

21 Q. Okay.

22 A. Curriculum committee meetings.

23 Q. This is the meeting we are talking about now, this June  
24 meeting?

25 A. Now we are talking about -- you asked me, and I can't

1 tell you if it was June or July because we were on  
2 hiatus as far as Board meetings in July. We did have a  
3 curriculum meeting in that time period.

4 Q. Let me ask you: If Mr. Buckingham makes these  
5 statements at these meetings, what sort of response is  
6 he getting from the teachers?

7 A. What we did was talk it out step by step, page by page,  
8 reference by reference. All right? The individual who  
9 destroyed the mural was reprimanded. He subsequently  
10 retired from the School District.

11 I don't think there are too many people who would  
12 say he had the right to do it. He destroyed school  
13 property, a donation from a student. Content aside, he  
14 did not have the right to make that decision.

15 It offended him personally, and it offended in  
16 particular his religious beliefs. I know that for a  
17 fact because the individual in question told me that  
18 face to face. But he took it upon himself to destroy  
19 that mural.

20 Mr. Buckingham stated in that meeting that he  
21 thought he had done -- the individual had done the right  
22 thing, that we should have never had it in the school.

23 Q. And did he say why? Did he go into detail?

24 A. It offended him. It was the wrong message. It was  
25 obscene, and that is the term he used.

1 Q. How about the teachers when Mr. Buckingham comes into  
2 this meeting, how are they responding to the notion  
3 that --

4 A. We had a situation where two of the teachers Mrs. Miller  
5 and Mr. Eshbach happened -- still are to the best of my  
6 knowledge -- ninth grade biology teachers among other  
7 things. And when going through Mr. Buckingham's  
8 objections, we discussed -- and I mean all of us -- it  
9 was sort of a round robin discussion of how they handled  
10 questions, and to the best of my recollection,  
11 Mrs. Miller and Mr. Eshbach indicated that in their  
12 combined teaching experience of some twenty odd years,  
13 they had perhaps had a half dozen questions from  
14 students regarding the origins of life.

15 And their custom was and remained to that point in  
16 time to tell the students this is a subject area you  
17 need to talk with your parents, your family members  
18 about and your Pastors. And it was not a policy  
19 promulgated by the School District, School Board. This  
20 was just their way of dealing with it.

21 Mrs. Spahr indicated that this was more than  
22 acceptable to the Science Department, that they did not  
23 feel that they were qualified to get into those areas.  
24 We did not teach the origins of life, religious or  
25 nonreligious theories.

1 Mr. Buckingham indicated he could deal with that.  
2 And I think personally -- my personal opinion is what  
3 made the difference was that Mr. Buckingham learned that  
4 Mrs. Miller is the daughter of the Pastor of the Shiloh  
5 United Church of Christ so she grew up in the faith.  
6 Mr. Eshbach is the son of Reverend Warren Eshbach, a  
7 retired Church of the Brethren Pastor and adjunct  
8 Professor at the Gettysburg I believe Theological  
9 Seminary. And this is their faith, and this is how they  
10 handled it.

11 So we went through the issues. We discussed them.  
12 And Mr. Buckingham indicated that he could live with it.

13 I also personally made the statement if he wished,  
14 because he was so concerned about the donations to the  
15 School District, that we would revisit in policy the  
16 policy relating to donations and gifts made to the  
17 School District.

18 And at the Superintendent's discretion, we would  
19 insert this into the policy, that at the  
20 Superintendent's discretion, the Superintendent --  
21 please be clear, not the Board -- the Superintendent's  
22 discretion, a gift or donation would be either accepted  
23 or rejected. But it would be required that if the  
24 Superintendent chose not to accept a gift or donation, a  
25 written explanation must be provided to the individual



1 origins, whether origins were taught?

2 A. All three of the teachers who were there were very clear  
3 about the fact that we have never taught origins of  
4 life. Ninth grade biology is physical science. It  
5 deals with the physical world around us.

6 Here I am basically quoting curriculum guide for  
7 Dover, as well as state standards. We are teaching our  
8 children how to perceive and to understand the physical  
9 properties of the world around them, the things that  
10 they can taste, touch, see, feel, smell. And that is  
11 the province of biology. It is a physical science.

12 Q. Okay. How about you mentioned teaching evolution with a  
13 small "e"?

14 A. Yes.

15 Q. What was your understanding of that?

16 A. Evolution with a small "e" as I understand it as I have  
17 learned in my years is really adapting, surviving. You  
18 either adapt to conditions, or you don't survive as a  
19 species or as an individual.

20 A native of Africa, to give you an example,  
21 obviously is a survivor by adaptation to the climate  
22 conditions. I as an American Caucasian could not  
23 survive in Africa. I burn hanging a load of wash  
24 outside. My skin, my eyes are not adaptable to the  
25 severe conditions of heat and sunlight that exists in

1 Africa. But that didn't happen in one generation. That  
2 happened over time. Just to give you a small example of  
3 what I see as evolution in the human terms.

4 Q. Is that what you understood the teachers to mean when  
5 they said evolution with a small "e"?

6 A. Not so much dealing with human beings. I used that as  
7 an example because it would be familiar.

8 But theirs is instruction in the adaptations more  
9 of the animal world, animal and plant world.

10 Q. How about Bert Spahr, did she say anything else at the  
11 meeting that sticks out?

12 A. Nothing specific that stands out. I mean we talked a  
13 lot about the need for the text because the textbooks in  
14 use at that time were just not compatible with either  
15 our curriculum guidelines or with the state standards.

16 Q. You indicated Sheila was there. Anything that Sheila  
17 Harkins said that sticks out?

18 A. The only thing that I recall is Sheila's asking what  
19 other textbooks are out there. That was fairly early in  
20 the discussion when -- after Mr. Buckingham had come up  
21 with all of these objections.

22 Q. Mike Baksa, what was his role? What do you recall about  
23 Mike's participation?

24 A. Mike is a very good mediator, conciliator, if you will,  
25 very knowledgeable. He had volunteered as I said to

1 check out what some of the parochial or nonpublic  
2 schools were using in terms of texts.

3 I will give you an interesting note to that.

4 Q. Okay.

5 A. The Christian School of York uses *Modern Biology* by  
6 Prentice Hall without statement or comment. Just a side  
7 light.

8 Q. Okay. Let me ask you this: When you came away from  
9 this meeting in June, it seems like --

10 A. June or July.

11 Q. June or July, thank you. It seems like Bill said I am  
12 comfortable with that or I can live with that; am I  
13 correct?

14 A. My understanding is that we were good to go, we were  
15 going to get our text. I was very, very concerned about  
16 the time at that point because by state code, we must  
17 have text approval by the 31st of July for the coming  
18 school year. And we were having no meetings in July.

19 We queried that. And we were to use the term  
20 grandfathered clause in the sense that we were in  
21 process. We hadn't taken a final vote, but we did have  
22 recommendations for an approved text. That concerned  
23 me. I was okay once it was made clear we weren't going  
24 to get fined for it.

25 My other concern was whether or not we were going

1 for personnel unless the President of the Board chooses  
2 to do likewise -- otherwise. Excuse me.

3 Q. So am I understanding that you did Dr. Nilsen's review  
4 in 2004?

5 A. Yes, I did.

6 Q. To the extent you can recall, was that a satisfactory  
7 review?

8 A. Very satisfactory.

9 Q. Did you do Trudy Peterman's?

10 A. No, I did not because I was not Trudy Peterman's  
11 supervisor. Dr. Nilsen was. The only Board evaluation  
12 is for the Superintendent because he is directly  
13 responsible to us.

14 The building administrators, in the case of  
15 buildings that have an Assistant Principal, the  
16 Assistant Principal would be evaluated and reviewed by  
17 the Principal of the building. In the case of Building  
18 Principals, the review is by the Superintendent.

19 Q. Let me just stop for a minute and ask you about Trudy  
20 Peterman. Do you recall Trudy Peterman speaking to the  
21 biology text issue while you were on the Board?

22 A. Yes, she did.

23 Q. What do you recall about that, Mrs. Brown?

24 A. Nothing terribly specific. I know that she was upset  
25 about it, but then Dr. Peterman was upset about a lot of